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1858
June
8th

Supreme Court — Territory of Nebraska

Be it remembered that at a regular term of the Supreme Court of the Territory of Nebraska, begun and holden at the city of Omaha on Tuesday the 8th day of June A.D. 1858

Present Hon. Augustus Hall Chief Justice
" " Samuel W. Black Assc. do
" " Experience Estabrook Dist. Atty.
" " Benjamin P. Rankin Marshal
" " Joseph H. Paddock Dep. Clerk

and Court being opened in due form of law, the following proceedings were had, to wit:

On application, and by order of the Court the following persons were duly sworn and admitted to practice as attorneys and counsellors at Law, and Solicitors in Chancery in this Court (to wit: G. F. Kinney, C. E. Stone, James Stewart John Harris George B. Lake William A. Little Samuel Pease J. M. A. Patrick A. L. Ving Chas. P. Pickett Jno. Mc Lennan E. H. Towns J. Howard George S. Gilbert Jas. G. Chapman Jas M. Woolworth and Lewis A. Curtice.

And Court adjourned until to-morrow morning at 10 O'Clock

Attest Chief Justice

Approved June 10, 1858

Supreme Court — Nebraska Sitting

J. 8

June

9th

On Wednesday morning June 9th A.D. 1858. at 10 O'clock Court met pursuant to adjournment.

Present Hon. Augustus Hall Chief Justice
" " Sam'l. W. Black Assoc. do
" " Eleazer Wakely " "
" " E. Estabrook Dist. Atty.
" " S. D. Parkin Marshal
" " J. M. Woodcock Deputy Clerk

On motion of Jno. A. Redick Esq Jno. C. Finch was sworn and admitted as an Attorney and Counsellor at Law and Solicitor in Chancery in this Court.

E 1

John McMichael }
A. F. McConnell } appellants
ads.
S. F. Nuckolls et al }
appellees

On this day the motion of the appellees to dismiss the appeal herein coming on to be heard it is

Ordered That in consideration of the fact that the same motion has been decided and overruled at the June Term of this Court for the year 1857, the same be and it is hereby denied.

On motion of Chas. Grant Esq J. M. Patterson was sworn and admitted as an Attorney and Counsellor at Law and Solicitor in Chancery in this Court.

C 1

John McMichael }
A. F. McConnell }
appellants
ads.
S. F. Nuckolls et al }
appellees

On this day the motion of the appellees for a rehearing of their motion to dismiss the appeal herein, having come on to be heard it is

Ordered That said motion be and the same is hereby overruled.

Supreme Court — Nebraska Territory

1858
June
9th

And Court adjourned until to-morrow morning at 9 O'clock

Attest June 10. 1858 A Lowe Clk pro tem

Supreme Court — Nebraska Territory

On Thursday morning June 10th A.D. 1858. at 9 o'clock court met pursuant to adjournment. — Present the same as yesterday,

(2) Wm. D. Brown and Wm. F. Scott — appellants vs Jno. McCormick & Co. — appellees

On this day this cause coming on for hearing, and having been submitted to the court; it is

Ordered and adjudged by the Court that the Judgement in the court below be and it is hereby affirmed; and that this cause be remanded to the District Court of the first Judicial District and for the County of Douglas to be carried into effect.

And it is further ordered that the appellants pay the costs herein taxed at Three Dollars and Seventy five Cents; and that execution issue therefor.

(3) R. L. McGee & Co. — appellants vs Armstrong & Clarke

This cause coming this day come on to be heard on the motion of the appellees to dismiss the appeal herein, it is

Ordered that the appeal herein be and it is hereby dismissed; and that the appellants pay the costs herein taxed at Four dollars and seventy five cents; and that execution issue therefor.

And Court adjourned until to-morrow morning at 9 o'clock

Approved August 12, 1858

Respectfully

Sam'l W. Black

Justices

Supreme Court - Nebraska Territory

1858
June 11th

On Friday morning June 11th A.D. 1858 at 9 o'clock Court met pursuant to adjournment & present the same officers.

Patrick & Co,
Appellants
vs.
Grant & Co
Appellees

(35)

On this day the motion of the appellees for a rule upon the Clerk of the Court below for an amended return, having come on for hearing it is

Ordered that said motion be and it is hereby sustained; and that said rule be returnable during the present term of this Court.

J.D. McCorkle et al
Appellants
vs
John Minklich
Appellee

(36)

On this day the motion of the appellants for a Rule upon the Clerk of the Court below, for an amended Record herein, having come on to be heard, it is

Ordered that said motion be and the same is hereby sustained; and that this cause be continued; and that the appellants pay the costs ~~thereof to date at~~ ~~Legislature; and that execution issue therefor~~

Continuance

On Motion of J. F. Kinney Esq O. P. Mason and Wm. A. Taylor were sworn and admitted to practice, as Attorneys & Counsellors at Law in this Court,

And Court adjourned until to-morrow morning at 9 o'clock

Adjourned August 12. 1858

E Estabrook
Sam Worthington
Justices

Supreme Court — Sitting of Nebraska

Fri
Dec
12th

On Saturday Morning June 12th A.D. 1858 at 9 o'clock Court met pursuant to adjournment — Present the same as yesterday.

John F. Coffey
Appellant
adv
Jas. H. Seymour & Co
Appellees

2 1/2

On this day this cause coming on to be heard, and the cause being submitted it is

Ordered and adjudged that the judgment by the Court below be and the same is hereby affirmed; and that said cause be remanded to the District Court of the Fifth Judicial District to be carried into effect.

Washington Stone
Pat & Natl Co.
Appellants
adv
Webster Moir & Co.
Appellees

(4)

On this day the motion of the appellees to dismiss the appeal herein coming on to be heard it is

Ordered that said Motion be and it is hereby sustained, and the appeal dismissed.

And it is further Ordered that the appellants pay the costs herein taxed at Two dollars and seventy five cents; and that execution issue therefor,

Mathew F. Patrick
et al
Appellants
vs
(6) Within & Peterson
Appellees

On this day the motion of the appellees, to dismiss the appeal herein coming on to be heard it is,

Supreme Court -- Territory of Nebraska

1858
June 12th Ordered That said motion be and it is hereby overruled,

Robt Shields
vs
Helfenstine Gore & Co,
Appellees

(Ex)

On this day the Motion of the Appellees to dismiss the appeal herein having come on to be heard, it is

Ordered That said Motion be and it is hereby sustained and the appeal dismissed.

And it is further Ordered That the Appellants pay the Costs herein taxed at Two dollars and twenty five cents; and that execution issue therefor,

And Court adjourned until to-Monday morning at 10 O'clock

Attest August 12. 1858

E Whitney

Sam'l D. Black

Justices

Supreme Court -- Printing of Nebraska

On Monday Morning June 14th 1858 14th at 10 oclock Court met pursuant to adjournment -- Present the same as on Saturday.

(10) A. H. Parks et al
vs
Meloells & Hail

On this day Comes on the Motion of the Defts in Error to dismiss this Cause heretofore come on to be heard it is

Ordered That said Motion be and it is hereby overruled

(31) Chas F Phillips
vs
Justus K. Sage et al

On this day Comes on the Motion of the Defts in Error to dismiss this Cause heretofore come on to be heard it is

Ordered That said Motion be and it is hereby overruled

On motion of R. A Howard Esq Thos Watson was sworn and admitted to practice as an Attorney and Counsellor at Law. (and Solicitor in Chancery) in this Court.

And Court adjourned until to-morrow morning at 9 oclock

Approved
August 12. 1858

E. Wakeley
Sam: W. Black
Justices

1858
June
15th

Supreme Court — Territory of Nebraska

On Friday morning June 15th A.D. 1858 at 9 o'clock Court met pursuant to adjournment — Present the same as yesterday.

8 John McMechan
appellant
vs
T. H. & L. Winn & Co.
appellees

On this day this cause coming on to be heard it is

Ordered That the judgement of the Court below be and it is hereby affirmed; and that said cause be remanded to the Second District Court of the Second Judicial District to be carried into effect,

And it is further Ordered that the appellees pay the costs herein taxed at Six dollars; and Seventy five Cents; and that ~~execution~~ issue therefor.

11 Jane Helvey et al
appellants
vs
H. T. Walker & Co
appellees

On this day this cause coming on to be heard, it is

Ordered That the judgement of the Court below be and it is hereby reversed; ~~and that this cause be remanded to the District Court of this decree for~~ ~~said District to be carried into effect.~~

And it is further Ordered that the appellees pay the costs herein taxed at Six dollars and seventy five cents; and that execution issue therefor.

13 Henry Sands and
John McMechan
appellants
vs
Simmons & Owens
appellees

On this cause on motion of the appellants, it is

Ordered That a Rule issue to the Clerk of

Supreme Court — Territory of Nebraska

8
the District Court of the Second Judicial Dist
23th to amend his return herein.

Jack Kelly et al
appellants
as
H. T. Walker et al.
appellees

(15)

On this day this cause coming
come on to be heard, it is
Ordered That the Judgment &c. the
Court below be and it is hereby reversed; and
that the appellees pay the costs herein, taxed at
five dollars and seventy five cents, and that
execution issue therefor,

And Court adjourned until to-morrow morning
at 9 oclock

Affirmed August 12, 1858

Ely Parkey
Sam C. Wm Clark
~~Chief~~ Justices

Supreme Court — Nebraska Territory

1858
June 16th

On Wednesday Morning June 16th A.D. 1858 at 9 O'clock Court met pursuant to adjournment, Present the same as yesterday,

(5) Halley & Mason
Pltffs in Error
vs
Silas F. Hail
Dft in Error

This Cause having this day come on to be heard, it is

Ordered That the Judgement of the Court below be and it is hereby reversed; and that said Cause be and it is hereby remanded to the District Court of the Second Judicial District ~~to be carried into effect~~, for farther proceedings -

And it is further Ordered That the ~~defendant in Error Silas F Hail pay the~~ costs herein, taxed at Eight dollars and ~~twenty five~~ fifty cents, ~~and that execution issue therefor~~, abide the event of the Suit below.

(6) South Nebraska city
vs
Wm B. Hail

This Cause having this day come on to be heard it is

Ordered and adjudged that the Judgement of the District Court of the Second Judicial District be, and it is hereby reversed; and that this Cause be remanded to said Court ~~to be carried into effect~~ for further proceedings And it is further ordered & adjudged that ~~the Wm B Hail the Dft in Error pay the~~ costs herein, taxed at Eight dollars and ~~twenty five~~ fifty cents, ~~and that execution issue therefor~~, abide the event of the Suit below

And Court adjourned until to-morrow morning at 9 o'clock

Approved August 12, 1858

E. Wakeley
Asst Justices

On Thursday morning at 9 o'clock June 17th A.D. 1857 Court met pursuant to adjournment. Present: the same as yesterday.

62 Kelly v Brown
ads
Young and Van Kleek

For this cause it is Ordered that it be continued generally

60 Holly v Brown
ads
Shorpleigh Day v Co

Error

It is Ordered That this Cause be and it is hereby continued generally.

58 Charles Edwards
Appellant
vs
William Clancy and
P. C. Sullivan
Appellees

On this day the motion of the Appellees to dismiss the appeal herein coming on to be heard it is
Ordered and adjudged That said motion be and it is hereby over-ruled.

And Court adjourned until to-morrow morning at 9 o'clock

Approved August 12. 1858

E Peabody
Sage & Chief Justice
~~Justices~~ Justices

Supreme Court Nebraska Territory

1858
June
18th

(On Friday) (morning) June 18, 1858 at ~~9 o'clock~~
Court met pursuant to adjournment. — Present
the same as yesterday.

89

William Moore
appellant
vs
Daniel Sawyer
appellee

This cause having this day come
on to be heard it is
Ordered and adjudged that the
Judgment of the District Court of the Third
Judicial District herein, be and the same
is hereby Reversed; and that said Cause be and
it is hereby remanded to the said Court. ~~to be
carried into effect~~, for further proceedings
And it is further ordered and adjudged
that ~~the appellee pay~~ the Costs herein taxed at Six
~~Dollars~~ dollars and Seventy five cents, ~~and that
execution issue therefor~~, abide the event of the Suit
below

21

Alpheus Barnes et al
appellants
vs
S. F. Nuckolls and
Wm R. Nail
appellees

It is Ordered that this Cause
be and it is hereby Continued Remanded.

And Court adjourned until to-morrow morning
at 11 o'clock.

Affirmed August 12, 1858

E. Wakeley
Sam C. Lecompte
Chief Justices.

Court— Territory of Nebraska)

Saturday morning June 19th A.D. 1858
10 o'clock. Court met pursuant to adjournment.
Court the same as yesterday.

John McMechan Appd)
A. F. McConnell)
Appellants)
vs)
S. F. Nuckolls et al)
Appellees)

This cause having this day come on to be heard, and having been submitted it is Ordered and Adjudged That the judgement of the District Court of the Second Judicial District be and it is hereby Reversed; and that the Bill herein be and it is hereby dismissed.

And it is further Ordered That the ~~Appellees~~ Appellees pay the costs herein taxed at Six dollars and fifteen cents; and that execution issue therefor.

(2) Wm D. Ramsay Appd)
F. Scott)
Appellants)
vs)
Jno. M. Cornick Adv.)

This cause having this day come on to be heard, it is

Ordered and adjudged. That the Judgement of the District Court of the first Judicial District be and it is hereby affirmed, together with one dollar and forty two cents, penalty; and that the Court be remanded to said Court, to be carried into effect.

And it is further Ordered and adjudged That Appellants pay the costs herein taxed at three dollars and seventy five cents, and that execution issue therefor,

(2½) John T. Boyle)
vs)
Jas K. Seymour & Co.)

This cause having this day come on to be heard, it is Ordered that the Judgement of the District affirmed and on Motion Ordered, and adjudged that the Appellees recover of Johnson Tuttle and Edward Creighton and Stephen Hendricks the sum of one

1858
June 19th

hundred and twenty nine dollars and fifty two cents; Coupled with a penalty of three dollars and fifty four cents, as damages; and Two dollars and fifty cents Costs; and that they have execution therefor.

P. G. Peterson ;
Chas. A Henry and
Wm D. Brown
appellants
vs
Thos J. Allen
appellee

(3)

This cause having this day come on to be heard it is

Ordered and adjudged That the Judgement of the Court below be and it is hereby affirmed together with a penalty of four dollars and thirty four cents; and that this cause be remanded to the District Court of the first Judicial District to be carried into effect.

And it is further Ordered and adjudged that the appellants pay the costs herein, taxed at Nine dollars and Seventy five cents, and that execution issue therefor.

Harrison Johnson
appellant
vs
(5) C. E. Stone
appellee

This cause having this day come on to be heard it is

Ordered and adjudged That the appellee have and recover of the appellant the sum of One thousand five hundred and two dollars and eighty seven cents, with interest at five per cent. per month until paid, together with a penalty of nine dollars and thirty cents, and original costs of Eleven dollars and fifteen cents; and costs of this suit taxed at Five dollars and fifty cents; and that he have execution therefor.

Supreme Court — Nebraska Finding

(6) M. F. Patrick
appellant
ads
Watkins & Peterson
appellees

This cause coming this day come on to be heard it is

Ordered and adjudged That the appellees have and recover of M. F. Patrick and the sureties in the appeal Bond, J. N. H. Patrick & R. A. Howard the sum of Nine hundred and fifty five dollars and 82 cents, together with a penalty of five dollars and seventy four cents, as damages and Five dollars and seventy five cents costs; and that they have execution therefor.

(9) Goodin Miller & Co.
appellants
ads
F. J. McMahan
appellee

On this day this cause coming come on to be heard. It is

Ordered and adjudged that the judgment of the Court below be and it is hereby affirmed; and that the appellants pay the costs herein taxed at Five dollars and seventy five cents.

(12) James H. Decker
Mayor of Nebraska city
appellants
ads
Lorenzo D Bird
appellee

On this day this cause coming come on for hearing it is

Ordered and adjudged That the judgment of the Court below, be and the same is hereby affirmed; and that the appellants pay the costs herein, taxed at Five dollars and fifty five cents, and abide event of the suit below; And that this Cause be remanded to the District Court of the Seventh Judicial District to be carried into effect; for further proceedings

Supreme Court — Territory of Nebraska

1858
June
19th.

(13)

Hump Sands and
John McMechan
appellants
ads
Simmons & Owens
appellees

This cause coming this day come on to be heard, it is

Ordered and adjudged that the appellants have and recover of Hump Sands & John McMechan principals and William McLean and Samuel U Burnam the sureties in the appeal bond, the sum of Seven Hundred and Forty nine dollars and Seventy Seven cents, with penalty of Three dollars and Seventy five cents, and costs of suit taxed at Six dollars and twenty five cents: and that they have execution therefor against the said John McMechan —

(14)

Sands & McMechan
appellants
ads
Wm. N. Taylor
appellee

This cause coming this day come on to be heard it is

Ordered and adjudged that the Judgment of the court below be and it is hereby affirmed, together with a penalty of Five dollars and forty cents;

And it is further ordered and adjudged that the appellants pay the costs herein, taxed at ~~five~~ Six dollars and ~~twenty five~~ Fifty cents, and that ~~execution~~ this cause be remanded to the District Court of the Second ~~Second~~ Judicial District to be carried into effect —

(15)

Hump Sands and
John McMechan
ads
Nicholas Stiffs

This cause coming this day come on to be heard it is

Ordered and adjudged that the Judgment of the court below be and it is hereby affirmed, together with a penalty of Five dollars and Seventy six cents;

And it is further ordered and adjudged that the appellants pay the costs herein, taxed at ~~five~~

~~Omaha~~ Territory of Nebraska

~~six~~ fifty ~~county five~~ cents; and ~~that~~ ~~execution~~ ~~issue therefor~~, this cause be remanded to the District Court
Second Judicial District to be carried into effect

~~Sup~~ Mason 3
ads
Ayres Abbott 3 Error

This cause having this day come on
to be heard, it is
Ordered and adjudged That the Judgment of
the Court below, be and it is hereby ~~reversed~~; and
that this cause be remanded to the District Court
of the Second Judicial District ~~to be carried into~~
~~effect~~, for further proceedings
And it is further Ordered and adjudged That
~~the Deft. in Error Wm. B. Abbott pay~~ the costs herein
taxed at Eight dollars and ~~seventy five cents~~ fifty cents
~~and that execution issue therefor~~, abide the event of the
Suit below.

South Nebraska City 3
ads
S F Nuckolls

This cause having this day come on to be
heard it is
Ordered and adjudged That the Judgment of the Court below
be and it is hereby reversed; and that this cause be remanded to
the District Court of the Second Judicial District ~~to be carried into~~
~~effect~~ for further proceedings
And it is further Ordered and adjudged that ~~the Defendant in Error~~
~~S F Nuckolls pay~~ the costs Suit taxed at Eight dollars and ~~seventy~~
fifty ~~five~~ cents; ~~and that execution issue therefor~~ Abide the event of the
Suit below.

(21) Holly & Mason 3
ads
Heath Nuckolls 3

This cause having this day come on to be
heard it is
Ordered and adjudged That the judgment of the
Court below be and it is hereby reversed; and that this cause be
remanded to the District Court of the Second Judicial District ~~to be~~
~~carried into effect~~ for further proceedings
And it is further Ordered and adjudged that ~~the Defendant in Error~~
~~Heath Nuckolls pay~~ the costs Suit taxed at Eight dollars
and ~~seventy five~~ fifty cents ~~and that execution issue thereon~~ abide
the event of the Suit below

Supreme Court Territory of Nebraska

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19th 22

Holley & Brown
and
Young & Van Kluck

This cause coming this day come on to be heard
& it is

Ordered and adjudged that the judgment of the Court below
be and it is hereby reversed And that this cause be remanded
to the District Court of the Second Judicial District to be carried
into effect

And it is further Ordered and adjudged that the defend-
ant in Error Young & Van Kluck pay the costs herein taxed at Eight
dollars and Seventy five cents and that Execution issue therefor

(23)
Holley & Brown
ats
& & Dail

This cause coming this day come on to be heard
& it is

Ordered and adjudged that the judgment of the Court below be
and it is hereby reversed And that this cause be remanded to the Distr.
Court of the Second Judicial District for further proceedings
And it is further Ordered and adjudged
that the defendant in Error & & Dail pay the costs herein taxed at
Eight dollars and fifty cents and that Execution issue therefor
abide the event of the suit below -

(24)
Miles H Brown
ats
Wm P Dean and
S F Nuckolls

This cause coming this day come on to be
heard & it is

Ordered and adjudged that the judgment of this Court
below be and it is hereby reversed And that this cause be remanded
to this District Court of the Second Judicial District for further proceedings -
And it is further ordered and adjudged that the
defendants in Error Wm P Dean & S F Nuckolls pay the costs herein
taxed at Eight dollars and fifty cents and that Execution issue therefor
abide the event of the suit below -

(25)
Holley & Mason
ats
S F Nuckolls

This cause coming this day come on to be
heard & it is

~~In the~~ District Court of Nebraska

~~Error from~~ and adjudged that the judgment of the Court ~~to be~~ and it is hereby reversed and that this cause be ~~remanded to the District Court of the Second Judicial District to be carried into effect~~ for further proceedings.

And it is further ordered and adjudged ~~That the defendant in Error~~ S F Purcell pay the costs herein taxed at ~~Eight~~ dollars and ~~Seventy five~~ fifty cents ~~and that execution issue therefor~~ abide the event of the suit below

(26) South Nebraska City
vs
~~Joshua~~ Garside

This cause coming this day on to be heard and it is

Ordered and adjudged that the judgment of the Court below be and it is hereby ~~reversed~~ and that this cause be remanded to the District Court of the Second Judicial District ~~to be carried into effect~~ for further proceedings

And it is further ordered and adjudged that ~~the defendant in Error~~ ~~Garside~~ ~~pay~~ the costs herein taxed at Eight dollars and ~~Seventy five~~ fifty cents ~~and that Execution issue therefor~~ abide the event of the suit below.

Fifty

(27) South Nebraska City
vs
S Purcells

This cause coming this day come on to be heard and it is

Ordered and adjudged that the judgment on the the Court below be ~~and~~ it is hereby reversed and that the cause be remanded to the District Court of the Second Judicial District ~~to be carried into effect~~ for further proceedings

And it is further ordered and adjudged that ~~the defendant in Error~~ S Purcells ~~pay~~ the costs herein taxed at Eight dollars and ~~Seventy five~~ fifty cents ~~and that execution issue therefor~~ abide the event of the suit below

(28) O Holly & Mason
vs
~~Neil~~ Marcoll

This cause coming this day come on to be heard and it is

Ordered and adjudged that the judgment of the Court below be and it is hereby reversed and that the cause be remanded to this District Court of the Second Judicial District

Supreme Court Territory of Nebraska

1858
June
1st

~~to be carried into effect~~ for further proceedings -
And it is further ordered and adjudged that the defendant in Error Platt pay the costs
herein taxed at Eight dollars and ~~Seventy five~~ fifty cents ~~and that Execution issue therefor~~
abide the event of the Suit below.

(29)
South Nebraska City
ads
Beatty & Nuckolls

This cause coming this day come on to be heard & is
Ordered and adjudged that the judgment of
of this Court below be and it is hereby reversed And that this cause
be remanded to the District Court of the Second Judicial District ~~to be carried into effect~~ for further proceedings -
And it is further Ordered and adjudged that the
~~defendants in Error Beatty & Nuckolls pay the~~ Costs herein taxed
at Eight dollars and ~~Seventy five~~ fifty cents ~~and that Execution issue therefor~~
abide the event of the Suit below -

~~Polley & Brown~~
30
ads
Shapleigh Day & C

This cause coming this day come on to be heard
it is
Ordered and adjudged that the judgment in this Court below
be and it is hereby reversed and that this cause be remanded to
the District Court of the Second judicial District to be carried into
effect
And it is further Ordered and adjudged that the defendant
in error pay the costs herein taxed at Eight dollars and Seventy five
cents and that Execution issue therefor

Error

(22)
G. H. Stevens
ads
John Boulware and
John McMullen

This cause coming this day come on to be
heard & is
Ordered and adjudged that the judgment of the
Court below be and it is hereby reversed and that this cause be remanded to the District Court of this Second Judicial District ~~to be carried into effect~~ for further proceedings -
And it is further ordered and adjudged that ~~the defendants in Error John Boulware and John McMullen pay~~ the costs herein taxed at 8
dollars and ~~seventy five~~ fifty cents ~~and that Execution issue therefor~~ abide the event
of the Suit below -

Supreme Court Territory of Montana

(33)

C. D. & Weir
vs
Boulware & McMechen

This cause coming this day come on to be heard it is

Ordered and adjudged that this judgment in the Court below be and it is hereby reversed and that the cause be remanded to the District Court of the Second Judicial District ~~to be carried into Effect~~ for farther proceedings

And it is further ordered and adjudged that ~~the defendants in Error Boulware and McMechen pay~~ the Costs herein taxed at Eight Dollars and ~~Seventy Five~~ Cents ~~and that Execution issue therefor~~ abide the event of the Suit below

(34)

G. W. Mills
Appellant
vs
John I Carpenter

This cause coming this day come on to be heard it is

Ordered and adjudged. That the judgement in the Court below be and it is hereby affirmed. and that this cause be remanded to the District Court of the First Judicial District, to be carried into effect,

And it is further ordered and adjudged that the appellant G. W. Mills pay the costs herein, taxed at three dollars and seventy five cents; and that execution issue therefor,

(35)

Patrick & Co
Appellants
vs
Grant & Co
Appellees

This cause having this day come on to be heard, it is

Ordered and adjudged that the appeal herein be and it is hereby dismissed; and that the appellants pay the costs herein, taxed at Seven dollars and ~~Twenty~~ Thirty five cents, and that execution issue therefor,

Supreme Court — Territory of Nebraska

1858
June
19th

(30)

Territory of Nebraska
appellants
vs
Ezra Barnett et al
Trustees of Ft. Calhoun
appellees

Cancelled

This cause coming this day on to be heard, it is,

Ordered and adjudged That the judgment in the Court below be and it is hereby affirmed; and that the ~~appellant~~ county of Washington pay the costs herein taxed at Five dollars and twenty five cents; and that execution issue therefor.

(38)

Charles Edwards
appellant
vs
Wm Clancy and
P. B. Sullivan
appellees.

This cause coming this day on to be heard, it is

Ordered and adjudged That the judgment in the Court below be and it is hereby affirmed; and that the appellant pay the costs herein, taxed at Six dollars, and that execution issue therefor.

Ordered by the Court that Charles L. Salisbury be and he is hereby appointed Clerk of the Supreme Court of the Territory of Nebraska, in place of H. B. Anderson resigned, upon his giving a bond in the penal sum of Three thousand dollars, and taking the oath of office. The Bond to be approved by the Chief Justice.

And Court adjourned to the Second Tuesday in August next.

Affirmed August 12. 1858

Attest
Jam: M. Mack
~~Clerk~~ Justices

Supreme Court. Territory of Nebraska

Be it Remembered that at an adjourned term of the Supreme Court of the Territory of Nebraska begun and holden in Omaha City on Tuesday August tenth A D 1858 present

Hon S W Black Associate Justice
" E Wakely " "
" Wm A Finch " Marshall "
" Chas L Salisbury Clerk

and Court being opened in due form
Adjourned until 9 O Clock to morrow morning

Approved, August 12, 1858

E Wakely
Sam'l W Black

1858
August 11th

Supreme Court Territory of Nebraska

On Wednesday morning August 11th A D 1858 at 9 O'clock Court met pursuant to adjournment.

Present

Hon S W Black Associate Justice
" E Wakeley " "
" E Estabrook District Attorney
" Wm A Gres Marshall
Chas L Salisbury Clerk

And Court adjourned until to morrow morning at 9 O'Clock

Approved: August 12. 1858

E Wakeley
Jas C. Black

Supreme Court Territory of Nebraska

On Thursday morning August 12th A D 1858 at 9 O'clock Court met pursuant to adjournment Present the same as yesterday -

Ordered that the Seal of which an impression is hereunto annexed be and it is hereby adopted as the Seal of the Supreme Court of the Territory of Nebraska until otherwise Ordered

And Court adjourned until the Second Tuesday in October.

Approved August 12. 1858

E Wakeley
Sam'l D. Hitchcock
Justices

Supreme Court Territory of Nebraska

1858
October
12.

Be it Remembered that at an adjourned Term of the Supreme Court of the Territory of Nebraska began & pursuant to adjournment in Omaha City on the Twelfth day of October A.D 1858 - there being no quorum present as by the Statute in such Cases made, and provided,

Court stands adjourned until to morrow

Chas Salisbury
Clerk

Supreme Court Territory of Nebraska

On Wednesday October 13th A D 1858
There being no quorum present and it being
the Second day of this adjourned term the
Court stands adjourned until To morrow

Thos Salisbury Clerk

1858
October
14

Supreme Court Territory of Nebraska

On Thursday October 14th A D 1858 there being no quorum present and it being the third day of this adjourned term the Court stands adjourned until To morrow

Chas Salisbury Clerk

Supreme Court Territory of Arkansas

On Friday afternoon October 15th A.D 1858
at four O clock Court met pursuant to adjournment
Present

Hon Augustus Hall Chief Justice
Samuel W Black Associate "
Chas Salisbury Clerk

and Court being opened in due form
Adjourned until Ten O'clock to morrow
morning—

Approved January 17, A.D 1859

Supreme Court Territory of Nebraska

1858
October
11e

On Saturday morning October 11th A D 1858 at Ten O clock Court met pursuant to adjournment
Present the same as yesterday—
And Court adjourned until Ten O clock Monday morning.—

Approved January 17. A D 1859

Council Territory of Nebraska

In Monday morning October 18th A D 1858
met pursuant to adjournment
Present the Same as on Saturday
And Court adjourned until Two O Clock
to morrow afternoon

Approved January 17. A D 1859

1858
October
19

Supreme Court Territory of Nebraska

On Tuesday Afternoon October 19th A.D 1858 at Two O'clock Court met pursuant to adjournment Present the Same as Yesterday

And Court adjourned until Ten O'clock To morrow morning.

Approved January 17. A.D 1859

District Court Territory of Nebraska

On Wednesday morning October 20th A D 1858 at
10 O'clock court met pursuant to adjournment
Present the same as yesterday
And court adjourned until 9 O'clock
to morrow morning

Approved January 17 A D 1859

1858
October
21st

Supreme Court Territory of Nebraska

On Thursday morning October 21. A.D 1858
at 9 o'clock Court met pursuant to adjournment
Present the same as yesterday
And Court adjourned until 9 o'clock
to morrow morning

Approved January 17. A.D 1859

858
tober
22d

Supreme Court Territory of Nebraska

On Friday morning October 22d A D 1858 at
Ten O Clock Court met. Pursuant to adjournment
Present the same as yesterday
And Court adjourned "Sine Die"

Approved January 17th A D 1859

1858
December
14th

Supreme Court Territory of Nebraska

Be it Remembered that at a regular term of the Supreme Court of the Territory of Nebraska began and holden at Omaha City on Wednesday the 14th day of December A.D 1858

Present

Hon Augustus Hall Chief Justice
" Eleazer Wakely Associate "
" & Estabrook Dist Atty
" A Page Deputy Marshal
Chas Sedgwick Clerk

And Court being opened in due form the following proceedings were had to wit

Court adjourned until ten o'clock to morrow morning

Approved January 17th A.D 1859—

Supreme Court Territory of Nebraska

ember 5th On Wednesday morning December 15. A.D 1858 at Ten O'Clock Court met pursuant to adjournment

Present How Augustus Hall Chief Justice
" " Samuel W Black Associate "
" " Eleazer Wakeley " " "
" " E Estabrook Dist Atty
" " Henry Sage Deputy Marshall
" " Chas Ballantyne Clerk

On motion of J F Kinney Esq it is Blackman was Sworn and admitted as an Attorney and Counsellor at Law and Solicitor in Chancery in this Court

E 8 John McMechan
Appellants
Ads
Hays & Kinney
Appellees

In this cause by consent of parties it is Ordered that it be and it is hereby continued generally

E 10 A M Baynes et al
Appellants
ads
Hackett & Hail
Appellees

In this cause it is Ordered that it be continued generally

E 22 Holley & Brown
ads
Young & Van Kleeck

In this cause it is Ordered that it be continued generally

E 41 Alphens Barnes et al
Appellants
ads
S & Hackett & Wm B Hail
Appellees

In this cause it is Ordered that it be continued generally

1858 December 15th

Supreme Court Territory of Nebraska

And Court adjourned until ten o clock to morrow morning.

Approved January 17. A.D. 1859.

2d Court Territory of Nebraska

On Thursday morning December 16. A D 1858

Court met pursuant to adjournment

Present The Same as yesterday

James A Knapp }
ads } Error
5 Criminal The Territory of Nebraska }

Now on this day on motion of
W McLelland Attorney for the Territory of Nebraska it is
Ordered that this Cause be stricken from the
Calendar and further
Ordered that the Clerk transmit to the clerk
of the District Court of the Second Judicial District
all the original papers in said Cause. and it is
further Ordered that the Appellant pay the costs herein taxed at Six Dollars
and that Execution issue therefor
James A Knapp }
ads } Error
6 Criminal The Territory of Nebraska }

Now on this day on motion of
W McLelland Attorney for the Territory of Nebraska it is
Ordered that this Cause be stricken from the
Calendar and further
Ordered that the Clerk transmit to the Clerk
of the District Court of the Second Judicial District
all the original papers in said cause and it is further ordered
that the Appellant pay the herein taxed at Six Dollars and that Execution issue therefor
E 37 O D M Crockwell and
D A Crockwell
Appellants
ads
John Mishlish
Appellee

This cause having this day come on to
be heard it is
Ordered This cause be stricken from the Calendar
and it is further
Ordered that the Appellants O D M Crockwell and
D A Crockwell pay the costs herein taxed at Seven
Dollars and Twenty five cents and that Execution issue
therefor
And Court adjourned until 9 o clock
to morrow morning

January 17. A D 1859

Supreme Court Territory of Nebraska

1858
December
17th

On Friday morning December 17. A D 1858
Court met pursuant to adjournment
Present The Same as yesterday

30 Holley & Brown
ads
Shafleigh Day & C } This cause having this day come on to be heard it is Ordered and adjudged that the Judgment of the Court below be affirmed and Ordered and adjudged That the Defendants in Error have and recover of the Plaintiffs in Error the Sum of Three Hundred and Sixty two Dollars and Sixty five Cents to gather with a Penalty of Thirteen Dollars and Thirty Cents and Original Costs of Seven Dollars and fifty Cents and Costs of this Suit taxed at Eight Dollars and Seventy five Cents and that they have Execution therefor -

31 Charles F Holley
ads
Dustus K Sage
& W Ward & Williams Osborn } This cause having this day come on for hearing it is Ordered and adjudged that the judgment of the Court below be and it is hereby reversed and it is that this cause be remanded to the District Court of the Second Judicial District for further proceedings
And it is further Ordered and adjudged that the Defendants in Error Dustus K. Sage, & W Ward and Williams Osborn pay the costs herein taxed at Ten Dollars and that Execution issue therefor -

42 John S Minnick
Appellants
ads
O F Whyte &
Appellees } This cause having this day come on to be heard it is Ordered and adjudged that the judgment of the Court below be affirmed and Ordered and adjudged that the Appellee have and recover of the Appellants the Sum of Two Hundred and fifty five Dollars and Sixty Six Cents together with a Penalty of Five Dollars and Ninety five cents and Original

Supreme Court Territory of Nebraska

Costs of Ten Dollars and fifty five cents and costs of this Suit taxed at Five Dollars and fifty cents and that they have execution therefor

James A Jones
Appellant
Ads
George Rogers
Appellee

On this day comes the Appellee and files his motion ~~to Docket~~ to Docket this cause together with the Certificate of the Clerk of the Court below - and that the Appeal herein be dismissed And now comes the Appellant and files together with the transcript from the Court below his motion to Docket the case whereupon it is

Ordered that the Motion of the Appellant be and it is hereby sustained and that the case be Docketed upon the Payment by the Appellant of the costs of the Certificate and of this Motion -

And Court Adjourned until Ten O clock to morrow morning -

Approved January 17th A D 1859 -

1858
December
18th

Supreme Court Territory of Nebraska

On Saturday morning December 18. AD 1858
Court met pursuant to adjournment
Present
Hon E Hazeley Associate Justice
" E W Black "
" Henry Page Deputy Marshall
Chas Salisbury Clerk
& Estabrook District Attorney

And Court adjourned until 9 oclock
Monday morning

Approved January 17. AD 1859 -

Supreme Court Territory of Nebraska

December 28th On Monday morning December 28th A D 1858 at Ten O clock Court met pursuant to adjournment

Present

Hon Augustus Hall Chief Justice
" S W Black Associate "
" E Wakeley " "
Henry Page Deputy Marshall
Chas Ballsbury Clerk
E Estabrook Districh Attorney

And Court adjourned until Ten O clock to morrow —

Approved January 17. A D 1859 —

Supreme Court Territory of Nebraska

1858
December
21st

On Tuesday morning December 21st A.D 1858 at Ten O'clock Court met pursuant to adjournment
Present
The same as yesterday —

3
Criminal

The Territory of Nebraska
ads
Simpson Hargus

And now this case came on to be heard upon the assignment of Errors and the arguments of Counsel. And the Court being fully advised in the premises do find

That there is Error in the proceedings and judgment of the District Court of the Second Judicial District herein — that the Statute providing for the punishment of the crime of manslaughter which was in force at the time of the commission of the offence charged was unconditionally repealed before the trial and judgment in the said District Court; it is therefore

Ordered and adjudged by this Court that the judgment of the District Court of the Second Judicial District in this cause be and it is hereby reversed and that the Defendant Simpson Hargus be discharged from custody —

4
Criminal

The Territory of Nebraska
ads
David Kinnison

And now this case came on to be heard upon the assignment of Errors and the Arguments of Counsel — And the Court being fully advised in the premises do find —

That there is Error in the proceedings and judgment of the District Court of the Second Judicial District herein — that the Statute providing for the punishment of the Crime of manslaughter which was in force at the time of the Commission of the offence charged was unconditionally repealed before the trial and judgment in the said District Court, it is therefore

Ordered and adjudged by this Court that the judgment of the District Court of the Second Judicial District in this cause be and it is hereby reversed and that the Defendant David Kinnison be discharged from custody —

Supreme Court Territory of Arkansas

No 40 R L Stevens
Appellant
vs
Edward Ordeigh
Appellee

This cause having this day come on to be heard it is

Ordered and adjudged that the judgment of the court below be and it is hereby reversed and that this cause be remanded to the District court of the Second Judicial District for further proceedings

And it is further Ordered and adjudged that the Appellee Edward Ordeigh pay the Costs herein taxed at Eleven Dollars and Twenty five Cents and that Execution issue therefor

No 5 L E Stone
Appellee
vs
Harrison Johnson
Appellants

This cause having this day come on to be heard on the Motion of the Appellee to set aside the Sheriffs sale made on an Execution issued in accordance with a judgment rendered at the June Term of this Court in this Cause and for an order for a new Sale and alias Execution to issue therein.

And the court being fully advised in the premises it is

Ordered That the Sale herein be and it is hereby set aside and that alias Execution issue therefor

And it is further Ordered that the Appellee L E Stone pay the Costs accruing from the issue thereof and return of said Execution and of the Sale made under the same and the costs of this motion.

And Court adjourned until Tuesday the Fourth day of January next A D 1859.

Approved January 17. A D 1859

Supreme Court Territory of Nebraska

1859
January
4—

On Tuesday morning January 4. A D 1859.
at 5 o'clock Court met pursuant to adjournment
Present
Hon Augustus Hall Chief Justice
" Eleazer Wakeley Associate "
" E Estabrook Dist Attr
Sy Sage Deputy Marshall
Chas Salisbury Clerk

And Court adjourned until Friday the
Seventh day of January A D 1859 at Ten O'clock
in the morning

Approved January 17. A D 1859—

Supreme Court Territory of Nebraska

17 day On Friday morning January 17. A.D 1859 at
Ten O Clock Court met pursuant to adjournment
Present
The same as on Tuesday
And Court adjourned until Thursday the Eleventh
day of January A.D 1859 at Two O Clock in the afternoon.

Approved January 17. A.D 1859

Supreme Court Territory of Nebraska

1859
January
11th

On Tuesday afternoon January 11th A D 1859 at Ten O Clock Court met pursuant to adjournment

Present

The same as on Friday

And Court adjourned until Friday the Fourteenth day of January A D 1859 at Ten O Clock in the forenoon

Approved January 17. A D 1859 -

Supreme Court Territory of Arkansas

On Friday morning January 14. A D 1859 at 9 o Clock Court met pursuant to adjournment

Present

The same as on Tuesday

And Court adjourned until Monday the Seventeenth day of January A D 1859 at 3 o Clock in the afternoon

Approved January 17. A D 1859—

I Augustus H Hall Chief Justice of the Supreme Court of the Territory of Arkansas do hereby certify that the foregoing Record on

Page 31 of the proceedings on Friday October 15 A D 1858 and on

" 31 " " " " Saturday " 16 " " " "
" 32 " " " " Monday " 18 " " " "
" 33 " " " " Tuesday " 19 " " " "
" 34 " " " " Wednesday " 20 " " " "
" 35 " " " " Thursday " 21 " " " "
" 36 " " " " Friday " 22 " " " "
" 37 " " " " Tuesday December 14 " " " "
" 38-9 " " " " Wednesday " 15 " " " "
" 40 " " " " Thursday " 16 " " " "
" 41-2 " " " " Friday " 17 " " " "
" 43 " " " " Saturday " 18 " " " "
" 44 " " " " Monday " 20 " " " "
" 45-6 " " " " Tuesday " 21 " " " "
" 47 " " " " Tuesday January 4. A D 1859 " "
" 48 " " " " Friday " 7 " " " "
" 49 " " " " Tuesday " 11 " " " "
" 50 " " " " Friday " 14 " " " were

this day approved by the Court

Witness my hand this Seventeenth day of January A D 1859—

A Hall Chief Jus

Supreme Court Territory of Nebraska

1859
January
17th

On Monday afternoon January 17. A.D. 1859
at Two O'clock Court met pursuant to adjournment

Present

The Same as on Friday

And Court adjourned until Wednesday the
Nineteenth day of January A.D. 1859 at Two O'clock in
the afternoon!

Approved January

Sherman County Territory of Nebraska

On Wednesday afternoon January 19. A D 1859 at Two O clock Court met pursuant to adjournment

Present

The Same as on Monday

And Court adjourned until Wednesday the Sixteenth day of February A D 1859 at Two O Clock in the afternoon -

Supreme Court Territory of Nebraska

On Wednesday afternoon February 16. AD 1859 at
Two O clock there being no quorum present, as by law
in Such cases made and provided
Court stands adjourned until tomorrow

Chas Salisbury Clerk

Supreme Court Territory of Nebraska

On Thursday February 17. A.D 1859 there still being no quorum present. Court stands adjourned until to morrow

Chas Salisbury Clerk

Supreme Court Territory of Nebraska

On Friday February 18. A D 1859 there still being no quorum present Court stands adjourned until to morrow

Chas Salisbury Clerk

Supreme Court Territory of Nebraska

On Saturday February 19. AD 1859 it being the
fourth day of this adjourned Term and there still
being no quorum present
As by law in such cases made and provided
the Court stands adjourned until the next regular
Term in Course—

Chas Salisbury Clerk

1855 June 14th. Supreme Court. Territory of Nebraska.

Be it Remembered that at a regular term of the Supreme Court of the Territory of Nebraska begun and holden at Omaha City on Tuesday June the 14th A.D. 1859.

Present

Hon Augustus Hall chief Justice
" Eleazer Wakely Asst "
S.S. Bowen U.S. Dist. Atty
Henry Page Deputy U.S. Marshal
W.H. Stark " Clerk

And Court being opened in due form the following Proceedings were had to wit.

Court adjourned until tomorrow morning at ten o'clock.

Read and approved in open court December 20th A.D. 1859

Supreme Court Territory of Nebraska

Be it remembered that on Wednesday morning June 15, A.D. 1859 at ten o'clock the Court met pursuant to adjournment

Present Hon Augustus Hall Chief Justice
" " Eleazer Wakeley Asst "
" " S. S. Bowen Dist Atty
" Henry Page U.S. Marshall
" W. W. Stark " Clerk

On motion of S. S. Bowen U.S. District attorney it is Ordered by the Court that the following persons be and hereby are appointed U.S. Commissioners to wit: Barnabus Bates of Dakota County, James M. Woolworth of Douglas County, Isaac S. Gibbs of Otoe County, Norman R. Hubbard residing at Fort Laramie & Claudius McGovern residing at Fort Kearney in said Territory

And Court adjourned until 10 o'clock tomorrow morning

Approved June 24th 1859

W. W. Stark Dep Clerk

Augustus Chief Justice

Stephenson Grant

vs

Secretary of Nebraska

Plaintiff's motion for summary judgment is overruled at the Defendant's costs but without prejudice to a renewal.

Dated:

June 25th 1907

By the Court:

8 John W. Mackay
Assistant
"25
J. H. & H. Hunt

10 Wm. Jones
Adm
vs
Omaha & Rail Co.

In this cause it is ordered that it be continued generally

12 Wm. Brown
vs
Geo. D. Van Fleet

In this cause it is ordered that it be continued generally.

Same Court

Secretary of Chickasaw

Calphus Ramus
ads
S. P. Nichols & Hurb Neal

In this cause it is ordered that it
be continued generally.

43 James. A. Jones
ads
Geo. Rogers

Now comes the Appellee in this cause
and moves the Court for an order directing said
cause to be ranged in this court by the counsel
for the parties thereto.

44. Wm. Tierney etal
vs
John McCormick & Co

This cause having this day come on
to be heard, it is ordered that it be continued
generally, no Notice having been given

Robert. R. Fitch
Appellant
vs
Peter Shields
Appellee

46 Cash Connelly
ads
Geo Garrison

In this cause it is ordered that it be
continued generally.

1857 Supreme Court. Territory of Nebraska
June 16th

Jos. Solomon
Appellant
vs
Wm Garrison
Appellee

On this cause it is ordered that it be continued generally.
And Court adjourned until 10 o'clock tomorrow morning at ten O'clock

Had and adjourned in open court December 20th A.D. 1857

Supreme Court Sitting of Criminals.

On Friday Morning June 17th A.D. 1853 at ten o'clock there being no Criminal present or Cause in such cases made and provided Court stands adjourned until to-morrow

J. McCormick

Deputy Clerk

1857 June 18th

Supreme Court

Territory of Nebraska

June 18th

On Saturday June 18th A.D. 1857 at ten O'clock, there being no quorum present as by law in such cases made and provided Court stands adjourned until Monday

Attest

Orsmus Cole

Supreme Court Territory of Nebraska

On Monday morning June 20th A.D. 1859 at ten Oclock there being no quorum present as by law in such cases made and provided Court stands adjourned until the next regular term in course

W. Hayward
Deputy Clerk

The foregoing entries from June 14th to June 20th inclusive were this day approved. Dec 20th A.D. 1859

1859 Supreme Court Territory of Nebraska

Be it remembered that at a Regular Term of the Supreme Court of the Territory of Nebraska begun and held at the City of Omaha within and for said Territory on Tuesday December 13th 1859 Present the Hon Augustus Hall Chief Justice Hon E. Wakeley and the Hon Supreme Associate Justices Leavitt & Brown Esq U S District Attorney William A Richardson U S Marshall & Charles E Salisbury Clerk of said Court.

And the Court being opened in due form of law the following proceedings were had to wit.

Admission to Practice

On motion of H C Deacon and it is Ordered that James J Neagle A G Cavins E S Dundy be admitted to practice in this Court as Attorneys and Counsellors at Law and Solicitors in Chancery

Whereupon the Court adjourned until tomorrow Morning at half past Nine O Clock

Wednesday December 14th 1859 Court met pursuant to adjournment Present the same Judges as on Yesterday

Admission to Practice

On motion of J F Kinney Esq it is Ordered that H H Hardin T Mc Marquette B & B Kenedy be admitted to practice in this Court as Attorneys and Counsellors at Law and Solicitors in Chancery

(5) Young Ex. Van Fleet Plff in Error
vs
Holley & Brown Deft in Error

This Cause coming this day on to be heard

It is Ordered that this Cause be and the same is hereby dismissed and It is further ordered and Adjudged that Holley & Brown the defendants Recover of Young & Van Fleet the Plaintiff their Costs of Suit in this behalf Expended

(47) S F Nuckolls & Wm B Hall Plff in Error
vs
Alpheus Barnes et al

This Cause coming this day come

1857 Supreme Court Nebraska Tirritory

Tuesday

December 14th

Ordered to be Record Is Ordered and Adjudged by the Court that it be and the Same is hereby dismissed And it is further Ordered and Adjudged that the Said S. F Nicholls & William B Hall Appellees Recover of A M Barnes & John B Bonware Appellants their Costs of Suit in this behalf Expended to be taxed

48 William Gameson
vs
Cass County Appellants

This Cause coming this day Come on to be heard on the Motion of the Attorney for the Appellants for a Rule on the Clerk of Cass County to perfect his Transcript Herein And the Court being fully Advised in the premises It is thereupon Ordered and Adjudged that Said Motion be Sustained And that Said Rule issue Accordingly

48 Brownville Hotel Co
vs
John McPherson

This Cause coming this day Come on to be Heard. It is thereupon Ordered and Adjudged by the Court that this Cause be and the Same is hereby dismissed And it is further Ordered and Adjudged that Brownville Hotel Co the Appellee Recover of John McPherson the Appellants their Costs of Suit in this behalf Expended to be Taxed

Thereupon the Court Adjourned until tomorrow Morning at half past Nine O Clock

Thursday December 15th 1857 Court met pursuant to Adjournment Present the Same Judges as on Yester day

Admission to Practice

On Motion of H C Bloodgood Esq It is Ordered that Broadhead be admitted to Practice in this Court as an Attorney and Counsellor at Law and Solicitor in Chancery

1859 Supreme Court Alabama Tuscaloosa
Dec 15

Lyford & Horn
vs
J H Swan
appellant

This cause having this day come on to be heard & is thereupon ordered & adjudged that the Judgment of the Court below be affirmed. And it is further Ordered and adjudged that Lyford & Horn the Appellees recover of J H Swan appellant One hundred and ~~Twenty~~ Sixteen dollars and ~~forty~~ four cents together with a Penalty of five dollars and Eighty cents together with the Original costs amounting to Ten dollars and thirty cents And costs of this Court to be taxed & that a Mandate issue to the Court below to carry this Judgment into execution

Stephen Johnston Appellee
vs
John H Saher &
Jacob B Thomas
Appellants

This day came the said Stephen Johnston Appellee by George B Lake his attorney now appearing for the said Appellees And thereupon on motion of said Appellee and it appearing to the Court that the said Appellant had filed in said Cause his appeal bond with Samuel E Rogers and Henry R A Turner as his Sureties but that the said Appellants had wholly failed and neglected to further prosecute his appeal and had failed to procure and file in this Court a Transcript of the proceedings had in said Cause in the Court below as required by law the said Appellee has leave to file herein a transcript of said proceedings and have said Cause docketed which is accordingly done And thereupon ~~the~~ Motion of George B Lake Counsel for the said Appellee this Cause came on to be heard upon the issues joined between the parties the exhibits and proofs adduced in open Court and the Court being fully advised in the premises find all the issues in favor of the said Appellee and affirms the Judgment in the Court below It is therefore considered and adjudged by the Court that the said Stephen Johnston do have and recover of the said John H Saher as principal and Samuel E Rogers and Henry R A Turner as Sureties the sum of Seven hundred and thirty five dollars damages with ten per cent interest from the November 21st 1859 together with a penalty of thirty six dollars and seventy five cents and also the costs to be hereon taxed and that a Mandate issue to said District Court to carry this Order and Judgment into execution

Thereupon the Court adjourned until tomorrow Morning at ten O'Clock

Supreme Court Nebraska Territory.

Ec 15 Friday December 16th 1859 Court met pursuant to adjournment Present the Same Judges as on Thursday

80 The Platte Valley Bank vs Horace H Harding Hiram P Bennett & William McLean } Error to the District Court of Richardson County

This cause having been Submitted to the Court upon Arguments of Counsel and the Court now being fully advised on the premises upon full consideration do Modify the judgment of the Court below by vacating that portion of it adjudging five per cent Interest per Month on said Note and affirm the judgment in other respects with Costs of Suit And by virtue of the Statute authorizing this Court to render such judgment as the Court below should have rendered do hereby render judgment for ten per cent Interest per annum on the amount due on said Note from this date It is therefore Ordered and adjudged by the Court that the said Platte Valley Bank recover of the said Horace H Harding Hiram P Bennett and William McLean the Sum of Four Hundred Seventy One and Sixty Six One Hundredths dollars and that the defendants in Error pay the Costs of this Court And it is further ordered that a Special Mandate issue to the Clerk of the Court below to issue Execution on said judgment for the said amount and Costs of the Court below upon Application of the Attorney for said Bank

67 The Platte Valley Bank vs Horace H Harding Hiram P Bennett & William Bennett } Error to the District Court of Richardson County

This Cause having been Submitted to the Court upon Arguments of Counsel and the Court now being fully advised on the premises upon full Consideration do Modify the judgment of the Court below by vacating that portion of it giving five per cent interest per Month on said Note and affirm the judgment in other respects with Costs of Suit And by virtue of the Statute authorizing this Court to render such judgment as the Court below should have rendered do hereby render judgment for ten per cent interest per annum on the amount due on said Note from this date It is therefore ordered and adjudged by the Court that the said Platte Valley Bank recover of the said Horace H Harding Hiram P Bennett and William Bennett the the sum of

1859 Supreme Court Nebraska Territory
January
Dec 16 Thereupon it is Ordered that the Judgment and Decree of the District Court be and the same is hereby affirmed with Costs and that the Appellee recover of the Appellant Forty five Dollars and that the Defendants in Error recover the costs of this Court

It is further Ordered that a Special Mandate issue to the Clerk of the District Court below to issue Execution on said Judgment for the said amount and costs of the Court below upon application of the Attorney for said Bank

Admission to Citizenship

John Virgus appeared in the District Court and applied to the said Court to be admitted to become a Citizen of the United States of America pursuant to the provisions of the several acts of Congress of the United States of America for that purpose made and provided and the said applicant having thereupon produced to the Court such evidence made such declaration and renunciation and taken such oaths as are by the said acts required. Thereupon it was Ordered by the said Court that the said Applicant be admitted and he was accordingly admitted by the said Court to be a Citizen of the United States of America

Thereupon Court adjourned until Monday Morning at ten O'clock

Monday Morning December 19th 1859

Court met pursuant to adjournment Present the same Judges as on the day of adjournment

James A Jones appellants
vs
George Rogers appellee

This cause coming on to be heard upon Argument of Counsel the Court being fully advised in the premises It is Ordered Adjudged and Decreed that the Order Judgment and decree of the District Court appealed from in this cause be and the same is in all respects affirmed with Costs to the Appellee and that this cause be remanded to the said District Court for further proceedings to Execution and Decree

Thereupon the Court adjourned until tomorrow Morning at One half past Nine O'Clock

Tuesday Morning December 20th 1859

Court met pursuant to adjournment Present the same Judges as on Yesterday

Supreme Court Nebraska Territory

The Territory of Nebraska
Defts in error
vs
Saxton Runa Pleffs in Error

This cause coming on to be heard upon the Arguments of Counsel and the Court being fully advised in the premises Doth thereupon Order and Adjudged by the Court that the judgment of the Court below be and the same is hereby Reversed. And that this cause be remanded to the District Court of the First Judicial District for a new trial And it is further ordered and Adjudged that Saxton Runa the said Pleintiffs in Error remain in the Custody of the Sheriff of Douglas County until such trial shall be had or that he give Bond with Sureties the amount of said bonds and the sufficiency of the Sureties to be fixed and Approved by the Judge of the 1st Judicial District

A M Pomeroy
A J Smith James
L Mitchell and
H H Moore
Pleffs in Error
vs
John McCormick & Co
Defts in Error

This cause coming on to be heard on the Arguments of Counsel and the Court being fully advised in the premises Do find that Error has intervened in the Court below. Doth therefore Ordered and adjudged that the judgment of the Court below be and the same is hereby Reversed. And that this cause be remanded to the District Court of the 1st District for trial. And it is further ordered and adjudged that the said Pomeroy Smith Mitchell & Moore Pleintiffs in Error recover of the said John McCormick & Co Defendants in Error their costs in this behalf Expended to be taxed

Joel Solomon
vs Appellees
Wm M Slaughter
Jacob Vallery Jr &
E A Donelan impleaded
with John J Storey
Appellees

This cause coming on to be heard upon the Arguments of Counsel and the Court being fully advised in the premises Doth thereupon Ordered

1857 Supreme Court Nebraska Territory
Friday
Dec 19 And Adjudged that the judgment of the Court below be and the same is hereby affirmed And that the said Appellee recover of said Solomon their costs of suit in this behalf expended to be taxed

C E Stone
vs
Harrison Johnson

5 Opp 58

This cause came on to be heard upon the Motion of the Plaintiff C E Stone to confirm the Sale of the Sheriff upon the Execution heretofore issued out of this Court And the Court having heard the arguments of Counsel and being fully advised in the premises Do in thereupon ordered by the Court that said Motion be overruled and that said Sale be set aside upon the payment of said costs by the plaintiff of said Sale And it is further ordered that the costs of the Sheriff on such Sale shall not be taxed

Brownville Hotel Co Plff in error
vs
John McPherson Deft in error

This cause came on to be heard on the arguments of Counsel And the Court being fully advised in the premises Do in thereupon ordered and Adjudged that the Petition in Error filed herein be dismissed and that John McPherson the Defendant in Error recover of the Brownville Hotel Co Plff in Error his Costs of suit in this behalf expended to be taxed

James L Mitchell Plff in Error
vs
William Pease Administrator
of James L Mitchell Deceased Deft in Error

This cause came on to be heard upon the Arguments of Counsel And the Court being fully advised in the premises It is ordered by the Court that the judgment of the Court below be Reversed as to the said Plaintiff in Error James L Mitchell And that the costs herein expended be taxed against the defendant in Error

Thereupon Court Adjourned until to-morrow Morning at ten O'Clock

Wednesday Dec 21st 1854

Court met pursuant to adjournment Present the same judges as on yesterday

Supreme Court Nebraska Territory

Appointment of Clerk

Ordered that Ernestus B Chandon be and he is hereby appointed Clerk and Register of this Court and that he give bond for the faithful performance of his duties according to Law in the Sum of three thousand dollars with Sureties to be approved by this Court and then the Oath of Office according to Law

And thereupon came the said Ernestus B Chandon in Open Court and filed his Bond as required by said Order which was approved by the Court and thereupon said Chandon in open court took the oath of office . . . .

Lapp County Appellant
vs
Williams Ganson Appellee

This Cause came on to be heard upon the Arguments of Counsel and it appearing to the Court that all the points in the Cause had not been set forth in the Arguments of Counsel It is therefore ordered and adjudged that further Argument be heard at the next Term of this Court to which time this Cause is continued

The United States Appellant
vs
Louis Ruell Appellant

This Cause came on to be heard on the arguments of Counsel and the Arguments being closed and the Court not being fully advised in the premises the same is taken under consideration until the next Term of this Court

Malcolm McGriffith et al
vs
A M Burns

Certiorari

This Cause came on to be heard upon the Arguments of Counsel and the Court being fully advised in the premises It is therefore Ordered and Adjudged that the judgment of the Court below be Confirmed And it appearing to the Court that there is reasonable ground for Proceedings in Error It is therefore Ordered and adjudged by the Court that no damages be awarded but that A M Burns the defendant pay the Costs herein Expended

1859
Dec 21

Supreme Court Territory of Nebraska

C E Stone
vs
Hanson Johnson

On Motion of the Asst Clerk of
by John J Redick his Attorney And on producing the
Return of the Sheriff of this County of Douglas in the Territory
of Nebraska of a Sale of Real estate made by him on the 14th
day of May 1859 to C E Stone an Execution issued in this cause
And Returned the 30th day of March 1859 And the Court on
the Examination of the said Proceedings being Satisfied that
the said Sale has been Made in all respects in Conformity to
Law—It is adjudged that the said Sale and Proceedings as
Correct And the same be hereby confirmed and the said Sher-
iff is Ordered to make to the Purchaser a deed for the Lands
and tenements so sold

Whereupon the Court Adjourned Until to morrow Morning
At ten O'Clock

Thursday Dec 22 Court met persuant to Ad-
journment From the Same Judges as on Yesterday

Order upon the Marshall

It is Ordered that the United
States Marshall Furnish for the Use of this Court all ne-
cessary Stationary Record Books and Conveniences And that
he provide a Suitable Room for holding the Sessions of
this Court And properly furnish and fit up the same for that
purpose the Expenses all of which to be allowed to the Marshall
in his Accounts with the United States

Whereupon the Court Adjourned until to morrow morning
At ten O Clock

Friday December 23d 1859

Court met persuant
to Adjournment From the Same Judges on Yesterday

John B Bennett
Administrator of Seery deceased
vs
Simpson Hargus
appellant

This Cause Came on to be heard on
the Arguments of Counsel And the Court being fully advised
in the premises It is thereupon Ordered and Adjudged

Supreme Court Nebraska Territory

that this proceedings of the Court below be reversed with costs to the Appellant and that this cause be remanded to the District Court of the 2d Judicial District for further proceedings and it is further ordered and adjudged by the Court that Simpson Hargus the appellant recover of John B Burnett Administrator the costs of suit in this behalf expended to be taxed

Robert K Woods appellant
vs
Robert Shiels appellee

This cause came on to be heard on the argument of Counsel and the Court being fully advised in the premises does therefore Ordered and adjudged that the final order of the Court below from which this appeal was taken be and the same is hereby reversed and that this cause be remanded to the District Court of the First Judicial District within and for the County of Douglas for further proceedings and it is further ordered and adjudged that Robert K Woods the appellant recover of Robert Shiels the Appellee his costs of suit in this behalf Expended to be taxed

The Territory of Nebraska
vs
William Buchanan

This cause came on to be heard on the Argument of Counsel and the Court being fully advised and the premises it is thereupon ordered and adjudged that the judgment of the Court below be and the same is hereby reversed. And that this cause be Remanded to the District Court of Richardson County in said Territory for a New Trial and it is further Ordered and adjudged that The Territory of Nebraska pay the costs of this Court to be Taxed

Thereupon Court adjourned Sine die

Approved and signed this 23d day of Dec 1859

Supreme Court Nebraska Territory

Be it Remembered that at a Regular Term of the Supreme Court of the Territory of Nebraska began and held at the City of Omaha in said Territory on Tuesday June 12th in the year of our Lord One thousand eight hundred and Sixty.

Present the Honorable Augustus Hall Chief Justice and Hon E Wakely associate Justice of said Court William E Moore Marshall of said Territory and E B Chandler Clerk of said Court

And the Court having been opened in due form of law the following Proceedings were had to wit

Ordered that Henry M Judson be and he is duly appointed Bailiff for the part of the US for this Term of Court

Cap County
vs
46 Williams Garrison

On this day appeared the parties in this cause by their Attorneys and Counsel their this cause be continued It is thereupon Ordered and Adjudged that it be and the same is hereby continued unto the next Term of this Court

Thereupon the Court adjourned unto tomorrow Morning at Nine O Clock

Wednesday June 13th 1860

Court met pursuant to adjournment Present the Hon Augustus Hall Chief Justice of said Court - no other of the Justices of said Court being present

The Court was thereupon adjourned unto tomorrow Morning at 9 O Clock

Thursday June 14th 1860 -

Court met pursuant to adjournment - Present the Hon Augustus Hall Chief Justice and Hon E Wakely associate Justice of said Court

Thereupon Court adjourned unto tomorrow Morning at 9 O Clock

June 15th 1860 Court met pursuant to adjournment Present the same Justices as on yesterday

No business having been completed Court Adjourned unto tomorrow Morning at 9 O Clock

Supreme Court Nebraska Territory

Saturday June 16th 1860

Court met pursuant to adjournment Present the Hon E Wakely Associate Justice of this Court There not being a quorum present Court was adjourned until Monday Morning June 18th at 9 Oclock

Monday June 18th 1860

Court met pursuant to adjournment Present the Honorable Augustus Hall Chief Justice and the Honorable Elezur Wakely Associate Justices.

Ordered that the following be and are hereby adopted as the Rules of this Court

Rule 1 On the morning of the first and each subsequent day of the term Motions may be heard, Notice of the Motion and copies of the papers on which it is based other than the files of the Court must have been served one day before the argument.

2 Causes shall be docketed in the order in which the summons or petition in error has been served or publication of Notice has been completed or the notice of appeal in Chancery cases has been served.

3 Criminal Causes shall have precedence and may be moved for hearing on behalf of the Territory or United States out of their order on the Calendar.

4 Civil Causes shall be entitled to be heard in their Order if only One party appears then may be heard ex parte;

and if neither party appears the Court may mark the cause submitted on its Calendar. By consent of the Attornies of the respective parties, Causes may be substituted for each other in order.

5 Causes may be submitted on printed or written arguments without reference to their place on the Calendar.

6 Errors must be assigned by filing by the morning of the first day unless the Court shall for cause extend the time.

7 The transcript on petitions in error shall consist of the pleadings in the Cause and such other portions of the record as are necessary to present the errors complained of, and on appeals in Chancery it shall consist of the pleadings evidence, exhibits and reports together with all orders and decrees.

8 Either party may move for a further or amended return upon affidavit showing that the transcript is defective and the particulars in which it is defective. Such motion must be made by the morning of the second day of the term at which the Cause is to be heard, if the transcript shall have been filed by the first day thereof, at the other Cases as soon as practicable, and it must appear that the deficiency is not owing to the negligence of the moving party.

9 Appeals in Chancery Cases shall be taken and regulated according to the provisions of the Act relating to Courts and their jurisdiction approved March the Sixteenth A.D. 1853.

The Summons shall be issued at the time of the filing of the petition in error and when publication is necessary it shall be commenced within ten days thereafter.

10 Proof of the service of notice of appeal in Chancery causes must be filed by the first day of the term or by such time during the term as may be limited for causing the return to be made unless the Court for special reasons shall allow the same to be filed afterwards and before hearing a motion to dismiss the appeal for want of service of such notice.

11 If the Appellant or Plaintiff in error shall fail to perfect his appeal or cause the summons to be served or notice to be published, or the Cause to be docketed in due time the Appellee or defendant in error may obtain a certificate of the Clerk of the District Court showing that an Appeal has been taken or a petition in error has been filed, and may thereupon have the appeal or proceedings in error dismissed, or may cause the record to be filed, and the Cause docketed and disposed of on its merits.

12 Briefs or arguments filed in a Cause, must be either printed or written in a fair legible handwriting, on Brief paper with a marginal reference to the heading of points in the argument. And the transcripts of all records filed in any cause shall also be either printed or written in a fair legible handwriting with a marginal reference to each paper or order composing the record. And any argument or record may be stricken from the files for non compliance with this rule and in no case shall the fees

of the Clerk be taxed for a transcript of a record
thus prepared in compliance with this rule.

13 The Brief of each party shall contain the points on which he relies with a citation of the authorities. And that of the Appellant or plaintiff in error shall also contain a summary or outline of the case.
References to the pleadings or evidence shall designate the folios or page where the same may be found.

14 At the Commencement of the Argument each member of the Court the Attorney of the opposite party and the Reporter shall be furnished with a Copy of the Briefs on each side.

15 Only two Counsel will be heard on either side and the Court will, if it see fit, limit the time for arguing in any cause.

16 All notices must be served in the same manner as in actions at law in the District Courts.

17 Whenever in a Criminal Case a writ of error or certiorari shall be allowed by the Court or any Judge thereof in vacation upon a certified transcript of a record, no further transcript shall be allowed to be taxed in the bill of costs: but the same transcript shall be returned with the process and certiorari and shall be sufficient unless diminution or other matter be suggested.

18 A Syllabus of the points decided by the Court in each Case shall be stated in writing, by the Judge assigned to deliver the opinion

of the Court which shall be confined to the points of law arising from the facts of the Case that have been determined by the Court. And the Syllabus shall be submitted to the Judges Concurring therein, for revisal before publication thereof: and it shall be inserted in the book of Reports without alteration, unless by the consent of the Judges Concurring therein.

19 When an application for a Writ of error or leave to file a petition in error has been made in vacation to a Judge of the Supreme Court, and disallowed no other application therefor shall be made except to the Court in session.

20 Judgment shall not be rendered against Sureties on any Bond or undertaking until notice of ten days shall have been served of the intention to move for such judgment, or if the Surety is a non resident of the Territory, until notice of such intention shall have been published in some newspaper at the Capitol of the Territory for two successive weeks, the first publication to be at least fourteen days previous to the hearing of the motion.

21 In case of the death of a party; the same rules shall apply so far as may be, as are provided by law for cases in the District Court.

Ordered that the foregoing rules take Effect and be in force from and after the first day of September 1860 and that a copy of the same be published under the direction of the Clerk of this Court for two weeks in the Omaha Nebraskan

Thereupon Court adjourned until Tomorrow Morning at 9 o'clock

Supreme Court Nebraska Territory

January Term 1860

Court met pursuant to adjournment - Present the same judges as on Yesterday

John H Saker Pltff
& Henry R A Rumer &
Samuel E Rogers Defts in Error
vs
Stephen Johnston Dft in Error

This cause having come on to be heard upon the Motion of the Pltffs in Error herein to set aside the judgment of this Court at the last Term thereof rendered against said John H Saker Henry R A Rumer and Samuel E Rogers and in favor of the said Stephen Johnston appellee and the Court having heard the Argument of Counsel and being fully advised in the premises It is thereupon ordered and adjudged that said Motion be so far sustained that the judgment heretofor rendered against the said Henry R A Rumer and Samuel E Rogers as Sureties in said last Term of this Court be and the same is hereby vacated and that the Staying proceedings said Order be annulled as to the said John H Saker and it is further ordered and adjudged that the Pltffs in Error herein recover of said defendant in Error their costs in this behalf expended and that an Alias Procedendo issue to the District Court to carry this judgment into execution

Admission to Practice

On Motion of George B Lake Esq One of the Attorneys of this Court it is Ordered that Wm J Sapp be admitted to practice in this Court as an Attorney and Counselor at Law and Solicitor in Chancery

Henry W Denson having attended this Court at its present session as Bailiff on the part of the US It is hereby Ordered that the Marshals pay him three dollars and two cents for his attendance 6 days & two miles travel to & from Court

Thereupon Court Adjourned Sine die

Approved this 19th day of June A D 1860

F Hall Chief Justice
E Wakeley Associate Justice

Supreme Court Nebraska Territory

Be it remembered that at a regular Term of the Supreme Court begun and holden at the City of Omaha in the Territory of Nebraska on Tuesday the Eleventh day of December in the year 1860

Present the Honorable Augustus Hall Chief Justice and Eleazer Wakeley Associate Justice of said Court. William E Moore Esq Marshal R A Howard Esq United States District Attorney for said Territory and E B Chandler Clerk of said Court And the Court being Opened in due form of law the following Proceedings were had to wit

Judson Appointed Bailiff

And now comes Wm E Moore Esquire Marshal of the Territory of Nebraska and Asks the Court to Appoint Henry M Judson be Appointed Bailiff

It is thereupon Ordered and Adjudged by the Court that said Judson be and he is hereby appointed bailiff of said Court at the present Term thereof

Thereupon Court Adjourned until tomorrow Morning at ten O'clock

Wednesday December 12th 1860

Court met pursuant to adjournment Present the Hon E Wakeley. And there being no quorum the Clerk adjourns the same until tomorrow Morning at 10 O'clock

Thursday December 13th 1860.

Court met pursuant to adjournment present Hon A Hall Chief Justice and E Wakeley Associate Justice,

& John Mc Mochett
Pltff in error
vs
O K & L B Nuckolls
Defts in error

And now comes Messrs Mason and Harding attorneys for the defendants in error herein and move the Court that this cause be dismissed for

1860 Supreme Court Nebraska Territory

Thursday December 13th

Term of Prosecution. And the Court being fully advised in the premises it is thereupon Ordered and adjudged by the Court that said cause be and the same is hereby dismissed And that J H & S C Prince pay the defendants in Error recover of John McMorkem the plaintiff in Error herein their costs of suit in this behalf expended to be taxed & that a mandate issue to the Court below to carry this judgment into effect

Cap County appellant
vs
Williams Jameson appellee

By Consent of the parties in this cause it is Ordered and adjudged by the Court that this cause be and the same is hereby continued until the next Term of this Court

Dales Lotts
vs
The Town of Salem

On this day appear the parties in this cause both plaintiff and defendant by their Attorneys and Consent thereto that this cause be continued

It is therefore Ordered and adjudged by the Court that this cause be and the same is hereby Continued to the next Term of this Court

Thereupon Court adjourned until tomorrow morning at 9 oclock

Friday December 14th 1860

Court met pursuant to adjournment Present the same Justices as on yesterday

John McAlpine
vs
Cleopatras Kountzo et al

On this day the parties herein by their Counsel appear and Consent that this cause be Continued

It is therefore Ordered and adjudged by the Court that this cause be and the same is hereby Continued until the next Term of this Court

Supreme Court Session Journal

Dec
12 14 C A Bradford &
S D Nichols
vs
George W Johnson
Diff in Error

By Consent of the Counsel for both Plaintiffs and defendants it is Ordered and adjudged by this Court that this Cause be and the Same is hereby Continued to the next Term of this Court

George W Owens &
William Carele
vs
Clerk Avery & Voorhes
Diff in Error

This Cause this day Came on to be heard upon the Motion of the Plaintiff in Error to Amend his Petition in Error And the Arguments of Counsel having been heard and the Court being fully advised in the Premises it is thereupon Ordered and adjudged by the Court that said Plaintiff have leave to Amend the Specification of Error in his petition Contained

Thereupon Court Adjourned until tomorrow Morning at 10 O'clock

Saturday December 15th 1860

Court met pursuant to adjournment Present the same Justices as on Yesterday

Elihu Cleveland et al
vs
Charles D Cleot
Diff in error

On this day appears Harding and Blackman Counsel for the Plaintiff in Error herein and Move the Court to dismiss this action. And it appearing to the Court that the costs are all settled it is therefore Ordered and adjudged that said Cause be and the Same is hereby dismissed & that said Plaintiff have leave to withdraw the Petition filed herein

1860 Supreme Court Nebraska Territory

Saturday Dec 15th

Territory of Nebraska
vs
Martin J Hawley
Defdt in Error

This cause this day came on to be heard upon the Motion of the Plaintiff to dismiss the proceedings had in this cause and the Arguments of Counsel having been heard It is Ordered and adjudged by the Court that said Motion be and the same is hereby Overruled

Thereupon Court adjourned until to-morrow morning at 10 oClock

Monday December 17th 1860

Court met pursuant to adjournment from the same Judges as on the day of adjournment

Silas Wooley
vs
Humphreys Smyth et al
Defts in Error

On this day appear the parties in this action by their Attorneys both Plaintiff and defendant in Error and consent that this cause be continued

It is therefore Ordered and adjudged by the Court that said cause be and the same is hereby continued generally until the next Term of this Court

John L Armstrong
& John L Campbell
vs
Joseph Wolfe et al
Defts in Error

The defendant in Error in this cause having filed his Motion herein to strike the petition of Plaintiffs Petition from the files of this Court Thereupon appears the Plaintiffs in this case by Mr Mason and Davis their Attorneys and move the Court for leave to file an Authenticated transcript of the record of this cause which upon consideration thereof is by the Court allowed Thereupon the parties both Plaintiff and defendant consent that this cause be heard upon the Transcript now on file

Supreme Court Nebraska Omaha

Thereupon Court Adjourned until tomorrow morning at 9 oclock

Tuesday December 18 1860

Court met pursuant to adjournment present the same Judges as on the day of adjournment.

Thereupon Court adjourned until Wednesday morning the 27th at 10 oclock am

Supreme Court A. & June Term 1861

Be it remembered that at a regular Term of the Supreme Court of the Territory of Nebraska begun and holden at the City of Omaha in said Territory on Tuesday the Eleventh day of June in the year of our Lord One thousand eight hundred and Sixty One

Present the Honorable William A Kellogg Chief Justice Honorable Joseph Miller ... associate Justices of said Supreme Court Robert A Howard Esquire Attorney for the United States Thomas N. Hitchcock Marshall of said Territory and E. D. Chandler Clerk of said Court

And the Court being advised in due form of law the following Proceedings were had to Wit

And Now on this day being the first day of the term of this Court comes into Court Eleazer Wakely in his own proper person and presents to the Court Now here a Commission executed by James Buchanan President of the United States and attested by J. S. Black Secretary of the United States and under the Seal of the United States and bearing date the 24th day of January One thousand Eight hundred and Sixty One whereby James Buchanan President of the United States by and with the advice and consent of the Senate of the United States did appoint the said Eleazer Wakely to be an associate Justice of the Supreme Court for the Territory of Nebraska for the term of four years from that date and until his successor should be appointed and qualified and on which Commission the oath of office of said Eleazer Wakely as such associate Justice was indorsed being in due form and duly certified and authenticated. And thereupon the said Eleazer Wakely in Open Court moved the said Court that he the said Eleazer Wakely be admitted and allowed to act as one of the members of this Court and thereupon came William A Lockwood in his own proper person and presented to the Court a Commission duly signed and executed by Abraham Lincoln President of the United States and attested by William H Seward Secretary of State of the United States and under the Seal of the United States bearing date the 27th day of April A D 1861 whereby the said Abraham Lincoln as President

Supreme Court. A.D. June Term 1861

of the United States dec'd appoint the said William D Lockwood to be an Associate Justice of the Supreme Court of the Territory of Nebraska during the pleasure of the President of the United States for the time being and until the end of the next Session of the Senate of the United States And the said William D Lockwood also presented his oath of office as such Associate Justice in due form and duly certified and attested and recorded in the office of the Secretary of the Territory of Nebraska and thereupon the said Lockwood claimed to act by virtue of his said commission as an Associate Justice of this Court as the successor of said Wakeley and that by virtue of his said commission the said Wakeley was and is superseded by him in his said office On consideration by the Court of said Wakeleys application it is Equally divided in opinion therein and by reason of such division said application is refused by the Court and thereupon the said Lockwood took his seat as Associate Justice of said Supreme Court and proceeded to the discharge of the duties of said office

Thereupon Court adjourned until to-morrow Morning at 10 o'clock

Wednesday June 12th 1861

Court met pursuant to adjournment Present the same Justices as on Yesterday

O M Barnes et al
appellants
and
Alcott & Hail
appellees

This cause having this day come on to be heard thereupon appeared O & Mason Esqrs of Counsel for said appellees and moved the Court to dismiss this cause And the Court being fully advised in the premises it is Ordered and Adjudged that said cause be and the same is hereby dismissed

And it is further Ordered and Adjudged by the Court that said appellees recover of the appellants herein the costs of suit in this behalf expended to be taxed

Supreme Court A.D. June Term 1861

Present
Hon 12

Thereupon Court adjourned until tomorrow morning at 10 oclock

Wednesday June 12th 1861

Court met pursuant to adjournment Present the same Justices as on Yesterday

Houston Arnolds
Pltff in error
vs
William McMadox
Deft in Error

This Cause coming come on for hearing and the same coming been submitted to the Court upon the Written briefs of the respective parties And the Court being advised that Service of Process has not been perfected herein It is thereupon considered and adjudged by the Court that it be and the same is hereby Continued for Service to the next term of this Court

E J Carlson
Pltff in Error
vs
Fernando Gotto
Deft in Error

This Cause coming this day Coming on for hearing, and it Appearing to the Court that no Service of Process has been had in this Cause It is therefore Considered and Adjudged by the Court that it be and the same is hereby Continued for Service to the next Term of the Court

Thereupon Court Adjourned until tomorrow morning at 10 Oclock

Thursday June 13th 1861

Court met pursuant to adjournment Present the same Justices as on Yesterday

Harrison Johnson
Pltff in Error
vs
Augustus Mason
Deft in Error

This Cause coming this

Supreme Court At Dec Term 1860

Thursday June 13 Day Coman on to be heard upon the record filed herein and the Errors assigned by the Plaintiff And the Argument of James M Woolworth of Counsel for said Plaintiff and William A Little of Counsel for said defendant having been heard and the Court being fully advised in the premises Doth thereupon Ordered and adjudged that the Judgment of the Court below be in all things affirmed with Costs.

It is therefore Ordered And adjudged that Augustus Macon the defendant in Error herein recover of Hanson Johnson Plaintiff in Error his Costs of suit in this behalf expended to be taxed and that a Mandate issue to the Court below to Carry this Judgment into effect

Cape County
Appellant
vs
William Gamson
Appellee

This Cause Came on to be heard upon the record and the Arguments of Counsel and the Court being fully advised in the premises doth hereby reverse the Decree rendered in this cause in the Court below and the said bill is dismissed at the cost of Complainant taxed at $11.25 dollars And that a Mandate issue to the Court below to Carry this Judgment into effect

Thereupon Court adjourned until tomorrow morning at 10 Oclock

Present June 14th 1861
Court met pursuant to adjournment present the same Justices as on yesterday

Nebraska City
Plaintiff in Error
vs
John C Campbell
Deft in Error

This Cause Came on to be heard

Supreme Court of June Term 1861

Cecily
Jun 14

Upon the record and the Errors assigned by the plaintiff in Error and after Argument of Counsel the Court being fully advised in the premises doth affirm the Judgment of the Court below with its costs taxed in this Court at $5.50/100 dollars and that a Mandate issue to the District Court of Ada County to carry this Judgment into execution

Thereupon came William H Taylor Esquire of Counsel for said plaintiff in Error in open Court and gives notice that he will appeal to this Court for a writ of Error to the said cause to the Supreme Court of the United States

E
60

A A Bradford &
S D Rickards
Plffs in Error
vs
George Y Johnston
Deft in Error

This cause came on to be heard upon the record filed herein and the assignment of errors and after Argument of O P Mason Esq Counsel for Plaintiff in Error and William H Taylor Esq for Defendant The Court being fully advised in the premises the said Judgment in this cause is hereby reversed with costs taxed in this Court at $7.05 dollars

E
Jun

Houston Rickards
Plff in Error
vs
William M Madox
Deft in Error

And now comes S D Dundy Esquire and moves the Court that the Continuance heretofore entered in this cause be vacated and the Court being fully advised in the premises it is thereupon Ordered & adjudged by the Court that said Continuance be and the same is hereby vacated and upon the Agreement of both parties Service of Procis in this cause is hereby waived & the files are again submitted to the Court

Thereupon Court Adjourned until tomorrow morning at 10 Oclock

Supreme Court A. D. June Term 1861.

Saturday June 15 Sat June 15th Court met pursuant to adjournment Present the same Justices as on yesterday

John Brown
Plff in Error
vs
William A Johnston
Deft in Error

Now at this day this cause came upon to be heard on the Petition in error herein filed by the Plaintiff and after Argument of counsel and after due Consideration by the Court it is Considered that the Judgment rendered in the Court below be affirmed It is therefore ordered and adjudged by the Court that the Judgment of the Court below be and the same is hereby affirmed and that a special Mandate issue to the Court below directing the same to award execution for the amount of said Judgment and Costs and the Costs of this Court taxed at $6.00 ~~Dollars~~

Homestead Society —
Plff in Error
vs
Augustus Kountze &
William Rutto
Defts in error

This cause having this day come on to be heard upon the Motion of said defendants in Error to dismiss said cause and Mssrs Lake & Gilbert of Counsel for said defendants and Mssrs Redick & Gantt of Counsel for said Plaintiff having been heard and the Court being fully advised in the premises it is thereupon ordered and adjudged that said Motion be and the same is hereby sustained

It is therefore Ordered and adjudged by the Court that Augustus Kountze and William Rutto defendants in said cause recover of the Homestead Society Plaintiffs in Error herein their costs of suit in this behalf expended to be taxed and that a Mandate issue to the Court below to carry this Judgment into execution

Saturday June 15th con. 60

Supreme Court A D June Term 1861

The Territory of Nebraska

vs

Martin J Hawley

This cause came on to be heard upon the suggestion of the Territory of Nebraska of the annunciation of record herein and was argued by counsel On consideration whereof and upon inspection of the said record the Court do find there is no record filed in this Court of the names empanelling and swearing of the Grand Jury who found the Bill of indictment in this cause and that no record has been filed in this Court of the Presentment of said Bill of indictment together with the endorsements thereon It is therefore Ordered and Adjudged by the Court that the Clerk of the Court of the said Second Judicial District within 60 days from the rising of this Court do file a perfect and complete record in this cause of the names of the said Grand Jurors of the empanelling and swearing of the same & also of the record of the Presentment of the indictment in this cause together with all the endorsements thereon and that this cause stand continued until the next Term of this Court

Thereupon Court adjourned until Monday June 17th at 2 Oclock P M

Monday June 17th 1861

Court met pursuant to adjournment present the same Justices as on the day of adjournment

Clerk Avery & Voorhis
Defendants in Error

vs

Elon M Owen and
William Carlile
Plffs in error

This cause having come on to be heard was argued by counsel and the Court being fully advised in the premises it is Ordered and Adjudged that the Judgment of the District Court of Sarpy County be affirmed with costs against the Plaintiffs in error and this cause is remanded to the said District Court that

Supreme Court A. D. June Term 1860 97

Monday
June 14 Said Judgment may be carried into effect & execution

The Adams appellant

vs

John Bowlware
John R Bowlware
Charles D Holly &
William P Birchfield
Sheriff of Otoe County Appellees

The appeal in this cause coming on to be heard was argued by Counsel and the Court being fully advised in the premises it is Ordered Adjudged and decreed that the order appealed be and the same is hereby Reversed and altogether held for nought with costs against said appellees and this Court doth proceed to render such decree as the Court below should have rendered and doth hereby declare and decree that the Judgment recovered by the said defendant John Bodeware against the defendant Charles D Holly in the District Court for Otoe County at the term of June 1860 thereof is not a lien upon the lot and part of lot in the Bill of Complaint mentioned and described as lot three and the west half of lot two in Block twenty one in Nebraska City in Otoe County purchased by the said appellee of the said Holly and it is Ordered Adjudged and decreed that the said Sheriff and said Bowlware be and they are hereby perpetually restrained and injoined from selling or offering for sale the said lot and part of lot upon any execution Order of sale or other process issued out of said District Court on the aforesaid Judgment And it is further Ordered that this cause be remanded to the District Court in Order that execution may issue therefrom against said appellees for the costs by the appellant in this cause expended to be taxed

Supreme Court A. D. June Term 1861

London
No 14

Louis Sass
Plff in Error
vs
The United States
Deft in Error

Amendment for Mandate

Error to

Deft. Attorney

This cause having come on to be heard upon the record and the Assignment of error filed herein and William A Little Esquire of Counsel for the plaintiff in Error herein having been heard and the Court being fully advised in the premises it is Ordered and adjudged by the Court that the decision of the Court below be and the same is hereby reversed with costs to said Defendant in error and that said cause be remanded to the District Court of the third Judicial District for trial

Falls City

vs

The Town Salem

Deft in error

This cause coming this day to be heard upon the transcript and the Assignment of Errors herein thereupon came O P Mason Esq of Counsel for the Plaintiff herein and shows unto the Court that this action is settled

It is therefore Ordered and adjudged by the Court that the Town of Salem the defendant in error herein recover of Falls City the plaintiff in error herein their costs of suit in this behalf expended to be taxed and that a Mandate issue to the Court below to carry this judgment in to execution

Jane McAlpin

vs

Augustus Kountze et al

And now the parties in this action by their Counsel and consent that this Cause be continued

It is therefore Ordered & adjudged by the Court that this cause be and the same is hereby continued until the next term of this Court

Supreme Court A. D. June Term 1867

99

Monday June 17

John L Armstrong &
John C Campbell
Plff in Error
vs
Joseph Moffet
Deft in Error

} Dismissed

This cause having come on to be heard on the Transcript and the assignments of Errors filed hereon and the Arguments of Counsel having been heard and the Court being satisfied in the Error has not intervened in the Court below it is therefore ordered and adjudged that said Judgment be and the same is hereby Reversed with costs of this Court to the defendant in Error and that a Mandate issue to the District Court of Otoe County remanding this cause for further Proceedings therein and to carry the Judgment of this Court into Execution

65

John Irwin
Plff in Error
vs
William A Johnson
Deft in Error

} Dismissed

This cause came on to be heard upon the transcript and assignments of Errors filed herein and the Counsel for both Plaintiff and defendant submitted said cause to the Court upon their written briefs and Arguments respectively and the Court being fully advised in the premises do in all things affirm the Judgment of the Court below

It is therefore ordered and adjudged by the Court that William A Johnson the defendant in Error herein recover of John Irwin said Plaintiff in Error his costs of suit in this Court expended to be taxed. And that a Mandate issue to the Court below to carry this Judgment into Execution and effect

66

D S Jackson
Plff in Error
vs
R McHills
Deft in Error

} Dismissed

This cause having come on to be heard upon the Transcript and assignments of Error herein and William H Taylor of Counsel for said

Supreme Court A. D. June Term 1861

Monday June 24

Plaintiff and O'Mahon Esquire of Counsel for defendant having been heard and the Court being fully advised in the premises do affirm the judgment of the Court below with costs to said Plaintiff in error

It is therefore Ordered and adjudged by the Court that R M Hill the defendant herein recover of D D Jackson said Plaintiff in error his costs of suit in this Court expended to be taxed and that a mandate issue from this Court to the Court below to carry this judgment into effect Thereupon his Honor William Lockwood dissented from the opinion of the Court.

Territory of Nebraska
Plff in error
vs
Martin J Hawley
Deft in error

And Now come the parties by their Attorneys and consent that this cause be continued

It is therefor Ordered and adjudged by the Court that said cause be and the same is hereby continued to the next term of this Court

William H Markham
appellant
vs
George Briggs
appellee

And Now comes James M Woolworth Esquire Solicitor for the appellant and moves the Court to dismiss this cause

It is therefor Ordered and adjudged by the Court that said cause be and the same is hereby dismissed and that George Briggs the appellee recover of William H Markham appellant his costs in this Court expended to be taxed and that a mandate issue to the Court below to carry this judgment into effect

Thereupon Court adjourned until to-morrow morning at 9 O'Clock

Supreme Court A.D. June Term 1861

Court met pursuant to adjournment. Present the same Justices as on yesterday

Louis Neals
Plff in Error
vs
United States
Deft in Error

In this Case wherein at the previous term the Judgment of the Court below was reversed and the Case remanded for a new trial It is ordered by the Court that the District Attorney of the United States be directed to enter a Nolle Prosequi thereon and said District Attorney accordingly enters a Nolle Prosequi in the above entitled Case and said Louis Neals is hereby Ordered to be discharged from Custody

Sarah Greer
Plff in Error
vs
William D McCord
Deft in Error

This Cause came on to be heard on the transcript and the assignment of errors thereon and the arguments of Counsel having been heard and the Court being fully advised in the premises do find that error has intervened in the Court below It is therefore Ordered and adjudged that the judgment of said Court be and the same is hereby reversed and it is further ordered and adjudged that Sarah Greer the Plaintiff in error recover of William D McCord said defendant her costs of suit in this Court expended to be taxed and that a Mandate issue from this Court to the District Court of Cap County remanding said Cause for further proceedings and that said District Court proceed to carry the judgment of this Court into execution and effect

Gray & Co
Plffs in Error
vs
Patrick & Co
Defts in Error

This Cause came on to be heard

Supreme Court A. D. June Term 1861

Wednesday June 18

on the Transcripts and the assignment of Errors filed herein and the arguments of Counsel having been heard and the Court being fully advised in the premises do affirm the judgment of the Court below with costs in this Court

It is therefore Ordered and adjudged by the Court that said Judgment be and the same is hereby affirmed and that Patrick & Co Defendants in Error recover of said Grant & Co their costs of suit in this Court expended to be taxed and that a Mandate issue to the District Court of Cass County Commanding said Court to carry the Judgment of this Court into effect Thereupon the Plff in Error appeared in open Court and gave notice that he will apply for a writ of Error to the said cause to the Supreme Court of the United States

Thereupon Court Adjourned until to-morrow Morning at 9 Oclock

Wednesday June 19th 1861

Court met pursuant to adjournment Present the same Justices as on Yesterday

A A Bradford & S Nuckolls Plffs in Error vs George W. Johnson Defendant in Error

60

This cause came on to be heard upon the transcripts and the assignment of Errors filed herein and the arguments of Counsel having been heard and the Court being fully advised in the premises the Court do find that Error has intervened in the Court below

It is therefore Ordered and Adjudged that said Judgment of the Court below be and the same is hereby reversed and that said A. A Bradford & S Nuckolls Plaintiffs in Error recover of said George W Johnson Defendant in Error their Costs of suit in this Court expended to be taxed And that a Mandate issue from this Court to the District Court of Otoe County remanding this cause for further proceedings and to carry this said Judgment into Execution

Supreme Court. A.D. June Term 1861

Wednesday June 19

Stiles Woolley
Plff in Error
vs
Humphrey Berry & Co
Defts in Error

And now come the parties in this cause both plaintiff and defendant by their Counsel and agree that this cause be continued to the next Term of this Court

It is thereupon Ordered and adjudged by the Court that said cause be and the same is hereby continued accordingly

William Albright
Plff in Error
vs
A A Bradford
Deft in Error

This cause this day came on to be heard upon the transcript and the assignment of Errors filed herein. And the Arguments of Counsel having been heard and the Court being fully advised in the premises do affirm the Judgment of the Court below

It is therefore Ordered and adjudged by the Court that said Judgment of the Court below be and the same is hereby affirmed and that the said A. A. Bradford the said Defendant in Error recover of said William Albright Plaintiff in Error his costs of suit in this behalf Expended and that a Mandate issue to the District Court of Ator County to carry said Judgment into Effect

Henry Sands &
John McMorchew
Plff in Error
vs
Nathan M Dueko
Deft in Error

This cause came on for hearing on the Record of the Court below and the assignments of Errors filed herein and the Arguments of Counsel having been closed and the Court being fully advised in the premises it is found that Error has intervened in the Court below. It is therefore Ordered and

Supreme Court A.D. June Term 1861

Wednesday June 19

Adjudged that said Judgment be and the same is hereby Reversed and that Henry Sawles and John McMechan Plaintiffs in Error herein recover of Cattlin M Burns said Defendant in Error their Costs of suit in this behalf expended to be taxed and that a Mandate issue to the Court below remanding this cause for further proceedings and to carry this said Judgment into effect

David McMartin &
Henry L Bowles
Plffs in Error
vs
S D Ruckles
Deft in Error

Ept

This cause came on to be heard upon the Transcript and the Assignments of errors filed herein and the Arguments of Counsel having been heard and the Court being fully advised in the premises do find that Error has intervened in the Court below

It is therefore Ordered and Adjudged by the Court that the Judgment rendered in said cause in the Court below be and the same is hereby reversed and that the Plaintiffs in Error herein recover of said defendants in Error their Costs of suit in this Court expended to be taxed and that a Mandate issue to the Court remanding said cause for further proceeding and to carry this said Judgment into effect

Thereupon Court Adjourned until tomorrow Morning at 9 o'clock

Thursday June 20th 1861

Court met pursuant to adjournment present the same Justices as on yesterday

William D Brown
Appellant
vs
Samuel R Curtis &
Henry Z Curtis Appellees

Ept

This cause came on

Supreme Court A. D. June Term 1867

Thursday June 20th to be heard upon the motion of the appellees filed herein to dismiss said cause and George B Lake of counsel for said Appellees and Alfred Conkling Esqure of Counsel for the appellant having been heard and the Court being advised in the premises overrule said motion and allow said appellant to file his transcript upon the payment of the legal fees therefor and the costs of the said motion in this Court

(75) James A Cowles
Plff in Error
vs
Robert P Clerk
Deft in Error

This cause came on to be heard on the Trans cript and assignments of Errors filed herein and the parties both plaintiffs defendants by their Counsel & submit said cause to the Court upon the record & their Written briefs & arguments And the Court being fully advised in the premises do affirm the judgment of the Court below

It is therefore Ordered and adjudged that said judgment be and the same is hereby affirmed and that Robert P Clerk the defendant in Error herein recover of James A Cowles the plaintiff his Costs of suit in this behalf expended to be taxed and that a Mandate issue to the Court below to carry this judgment into effect

Simpson & Hargus &
William P Burchfield
Plffs in Error
vs
(76) John A Rector
Deft in Error

And now come the parties both plaintiffs and defendants and submit this cause to the Court on the papers filed herein without argument And the Court being fully advised in the premises do affirm the judgment of the Court below It is therefore Ordered that said judgment be and the same is hereby affirmed and that said Defendant in Error recover of said Plaintiffs in Error herein his costs of suit in this behalf expended to be taxed & that a Mandate issue to the Court below to carry this Judgment into effect

Supreme Court A.D. June Term 1861

day
June 21st Thereupon Court adjourned until tomorrow at
4½ Oclock P M

Friday June 21st 1861

Court met pursuant
to adjournment present the same Justices as on
yesterday

William Ware et al
appellants

vs

& John M Clerke et al
appellees

This cause came on
to be heard upon the transcript filed herein and was
argued by James McWoodworth Esquire of counsel for
the appellants and Messrs Redick and Briggs of counsel
for the appellees and the cause having been submitted
and the Court being fully advised in the premises it is
thereupon ordered and adjudged by the Court that
said bill be and the same is hereby dismissed and
that the said appellees recover of said appellants their
costs of suit in this behalf expended to be taxed and
that a Mandate issue from this Court to the District
Court of Douglas County to carry this judgment
into execution and effect

Charles W. Green et al, Appellees

vs

Franklin W. Brown et al Appellants

This cause came on to be heard in open
Court, was argued by Counsel and after due
consideration, it is ordered & decreed by the Court that the decree entered
in this cause in the Court below
be and the same is hereby affirmed
Thompson in open Court

& H. C. Carles &
Wm Martin
Pffs in Error
vs
Stephen D Powell
Defendant in error

came the Appellants by their Counsel,
and prayed an Appeal from said decree
which was allowed.

This cause having come on
to be heard upon the Transcript and the assignment
of Errors herein and was argued by C. P. Mason
Esquire of Counsel for the plaintiff in Error herein
and William A Bay lor of Counsel for the defendants
in Error and the arguments being closed and the
Court being fully advised in the premises do find

Supreme Court A. D. June Term 1860

Friday June 21

(77) Houston Nuckolls
Pltff in error
vs
William M Madox
Deft in error

Error to the Court below

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed and that William M Madox the defendant in error recover of Houston Nuckolls the plaintiff in error his costs by him expended in this behalf and that execution issue therefor

(88) George Pomeroy et al
appellants
vs
George Bridges
appellee

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(89) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(90) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(91) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(92) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(93) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(94) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(95) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(96) Thomas Ochiltree
appellant
vs
Wm Pettus et al
appellees

This cause coming on to be heard on the transcript of the record from the District Court of the Second Judicial District in and for the County of Bexar and was argued by counsel on consideration whereof it is now here ordered adjudged and decreed by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be remanded to the said District Court with instructions to enter judgment for the appellants for the title and possession of the premises in controversy in this cause and for their costs in this behalf expended and that execution issue therefor

(97) George Pomeroy et al
appellants
vs
George Bridges
appellee

This appeal in this cause coming on to be heard was argued by counsel and thereupon the Court being advised in the premises it is ordered adjudged and decreed that the order of the District Court appealed from be and the same is hereby reversed and it is further ordered that George Bridges is entitled to the rents and profits of the premises in the several petitions filed in this cause mentioned which have accrued from and after the 5th day of November 1859

Supreme Court A.D. June Term 1867

Friday June 21 to the 3rd day of November 1866 And it is further ordered then and there that a mandate issue to the Register in this cause Commanding him to pay the rents & profits to the said Appellant George Bridge

Miles N Brown
Appellant
vs
Charles D Holly
Defendant in error

& Thereupon this cause came on to be heard upon the transcript and assignment of errors herein and the parties both Plaintiff and defendant by their Counsel submitted the cause upon written briefs to the Court

Thereupon it is ordered and adjudged by the Court that said cause be and the same is hereby dismissed and the said Charles D Holly the defendant in error recover of Miles N Brown Plaintiff in Error the costs of suit in this behalf expended to be taxed and that a mandate issue to the District Court of Otoe County to carry this judgment into effect

& H H McCameron et al
Plaintiffs in error
vs
John McCormick & Co
Defendants in error

This cause came on to be heard upon the motion of the defendant herein to have said cause which heretofore heard been adjudicated in this Court reinstated and was argued by A J Poppleton Esq Counsel for said defendant and the Court being fully advised in the premises it is ordered and adjudged that said motion be and the same is hereby overruled

And Now Comes the United States Attorney R. A. Howard and moves the Court that the following named persons be appointed U. S. Commissioners: Viz — John P. Baker, Otoe Reservation — O. K. Irish, Omaha Res — James Stuart Nebraska City — Henry W. De Puy, Ponca Res. — J. W. Pirtle Dakota — Walter Wilson, Kearney City.

Supreme Court A D June Term 1860

Friday June 21 — 91

William D Brown appellant
vs
Samuel R Curtis
Henry J Curtis appellees

This day came the appellant by Alfred Conkling his solicitor and the said defendants by Lo B Lake one of this Solicitors and thereupon this cause came on to be heard upon the Transcript herein and the proofs of the parties and was Argued by Counsel And the Court being fully advised in the premises find all the equities of the case with the defendants

It is therefupon ordered and adjudged and decreed that the said Complainants said bill of Complaint be dismissed and that the said defendants go hence without day and recover of the Complainants their costs in this behalf expended to be taxed And that a Mandate issue to the Eastern District of Pennsylvania to carry this judgment into execution And thereupon in open Court the Counsel for the Appellant claimed an appeal from the foregoing decree and the same is allowed.

92

Thomas Goodrich
Plff in Error
vs
The United States
Defft in Error

This cause came on to be heard upon the motion of the plaintiff in error to have the Transcript heretofore filed in this Court be redocketed and that the dismission of the record heretofore suggested be suspended And the Court being advised in the premises it is ordered and adjudged by the Court that said motion be and the same is hereby sustained and such leave granted

89

William M Pyper et al
appellants
vs
William R Martin et al
appellees

The appeal in this cause having come on to be heard and was argued by Counsel and the Court being fully advised in the premises it is hereby Ordered adjudged and decreed

Supreme Court 18 June Term 1861

Then the decree appealed from be and the same is affirmed in all respects and it is ordered that this cause be remanded to the District Court of Douglas County to be carried into effect and that the Appellee recover against the Appellants the costs of this appeal and this Court doth hereby declare that the suit by Alexander C Pyper to William M Pyper of the stock in trade of the said Alexander C Pyper was made to hinder delay defraud his Creditors by and with the connivance of said William M and it is ordered adjudged and decreed that said William M pay to the Complainants and Appellees the the amount of the Judgment by them against said Alexander C Pyper for $459.16 and interest from November 2d 1859 and costs of this suit And it is ordered that this cause be remanded to said District Court that this decree thereof be carried into effect and that Execution issue out of this said District Court to collect said sums of $459.16 and interest

Thereupon Court adjourned until to-morrow morning at Eight O'clock at the office of Clerk of the Supreme Court of the Territory of Nebraska

Saturday June 22d 1861

Court met pursuant to adjournment present the same Justices as on Yesterday

Resignation of Clerk

"Omaha City June 22d 1861

"To the Hon the Justices of the Supreme Court

I hereby resign the office of "Clerk of the Supreme Court of the Territory of Nebraska

O F Aldrich"

D. D. Belden, W. F. Sapp, A. J. Poppleton, James Woolworth and John R. Meredith are appointed a Committee to report a System of Rules for the Supreme Court at the next term of said Court

Tuesday June 22 61

Supreme Court N.T. June Term 1861

John Hughes &
Eliza Hughes, Appellees
vs.
A.K. Orchard &
Amanda Orchard Appellants

In the Supreme Court for Territory of Nebraska June Term 1861.

Final decree - In Chancery

This cause came on to be heard upon the appeal taken in this case by the said appellants from the decree of the District Court of Douglas County, and also upon the pleadings and testimony, and was argued by Counsel and in consideration whereof, the Court do find that the equity of the case is with the appellees and that there was due on the 17th day of February 1861, upon the mortgage in the bill mentioned, the sum of Fifteen hundred and seven dollars and fifty one Cents.

It is therefore ordered, adjudged and decreed by this Court, that John B. Hileman, a Special Master, appointed by this Court, proceed to sell the lands and tenements in said bill mentioned, at public auction in the manner prescribed by Law, and report his proceedings to this Court.

And it is further ordered adjudged & decreed by the Court, that the said appellants, all persons claiming from or under them, or either of them be foreclosed of and from all equity of redemption and claim in and to said mortgaged premises & every part thereof, and that the purchaser of said mortgaged premises at such sale be let into possession thereof, and that any of the parties to this cause who may be in possession of said premises, or any person or persons, who, since the commencement of this suit, have come into the possession of the same under said appellants, shall deliver possession thereof to the purchaser on production of the said Master's deed for said premises.

It is further ordered, adjudged and decreed, that if the moneys, arising from said sale, are insufficient to pay the amount due appellees with interest and costs as aforesaid, that said Master specify the deficiency in his report of the sale, and that on the coming in & confirmation of said report, the appellant, A. K. Orchard, who is personally liable to pay the debt mentioned in the mortgage, pay the appellees or their assigns, the amount of such deficiency with interest from the date of such report, & that the appellees have execution therefor as on judgments at law.

Supreme Court N. T. June Term 1861

Dec
ne 22

It is further ordered that the appellees shall have the right to become ~~the~~ the purchaser of said premises mentioned in the bill described as follows to wit, Lot one (1) in Block one hundred and Sixty Seven (167) in the City of Omaha in the County of Douglas & Territory of Nebraska, together with all improvements on said lot.

Orchard }
vs. } And thereupon in open Court the counsel for the ap-
Hughs } pellant claims an appeal from the foregoing decree and the same is allowed.

The foregoing minutes Signed and approved this 24th day of June 1861.

William P. Kellogg
Chief Justice

Smith
Asso Justice.

June 22 1861

Andrew R. Orchard &
Amanda Orchard
Appellants
vs.
John Hughs and
Eliza Hughs
Respondents

And now Comes Andrew R. Orchard and Amanda Orchard the above named appellants, and request that the order of sale of the Mortgaged premises in the decree in this cause mentioned, be stayed for the period of one year from the entry of the said decree, according to the Statute in such case made and provided

Wm P. Kellogg
Chief Justice
Wm F. Lockwood Asso Justice

October 1861

In Vacation.

Notice is hereby given that a special Term of the Supreme Court of the Territory of Nebraska will be held at the Capital on the 13th day of November 1861 at 12 o'clock noon for the purpose of hearing Arguments in Causes which may be then depending in said Court.

Dated Omaha
October 1st 1861.

Signed Wm P. Kellogg Chief Justice
Wm F. Lockwood Associate Justice

2d Court N.T. Special Term Nov. 13 1861

Nov 13 — Be it remembered that at a special Term of the Supreme Court of the Territory of Nebraska, begun and holden at the city of Omaha in said Territory the 13th day of November in the year of our Lord one thousand eight hundred and sixty one

Present the Honorable William F. Lockwood associate Justice of said Supreme Court — David L. Collier Esquire Attorney for the United States, Phineas W. Kelley Clerk Marshal of said Territory, and John H. Kellom Clerk of said Court.

The Court being opened in due form, and a quorum of Judges not being present, the same stands adjourned until tomorrow morning at 12 o'clock.

Thursday November 14 — Court met pursuant to adjournment. Present the Hon. Wm F. Lockwood Associate Justice. There being no quorum, the Court was adjourned until to-morrow Morning at 12 O'Clock.

Friday Nov. 15 — Court met pursuant to adjournment — Present the same Judge — There being no quorum the Court adjourned until to-morrow Morning at 12 O'Clock

Saturday Nov. 16 — Court Met pursuant to adjournment — Present Associate Justice Wm F. Lockwood — There being no quorum, the Court stands adjourned until Monday at 12 O'clock M.

Monday Nov. 18 — Court met pursuant to adjournment — Present, the Hon. Wm F. Lockwood, Associate Justice of this Court, and the Hon. Joseph E. Streeter also Associate Justice of this court.

After Consultation, the Court stands adjourned until to-morrow 2 P.M.

Tuesday Nov. 19 — Court met pursuant to adjournment. Present same Judges and officers as on yesterday.

On motion of John J. Redick, it is ordered by the Court that John H. Croxton Esq. be admitted to practice in this Courts.

Supreme Court N. T. Special Term Nov 1861

Court adjourned until tomorrow morning at 9 o'clock

Wednesday November 20

Court met pursuant to adjournment Present the same Judges as on yesterday

E. 69

Stiles Worley - plff. in error
vs.
Humphreys Ferry & Co. defts in error

This cause having come on to be heard was submitted without argument and the Court being fully advised in the premises, it is ordered and adjudged that the judgement of the District Court of Clive County be affirmed with Costs against the plaintiff in error, and this Cause is remanded to the said District Court that said judgment may be carried into effect and execution.

E. 93

Mary L. Thomas & Isaac Thomas
Plffs. in error
vs.
Elisha F. Stout - Deft. in error

This Cause being called up for hearing, and a written statement, by the plaintiffs being presented to the Court, requesting that this Cause be dismissed at their Costs, — It is therefore ordered and adjudged by the Court that the same be and hereby is dismissed at said plaintiffs Costs to be taxed. And it is further ordered that execution issue therefor

And thereupon the Court adjourned until to-morrow morning at 9 o'clock.

Thursday November 21

Court met pursuant to adjournment. Present the same Judges as on yesterday

E. 85

Frank Gardner et al - Plffs in error
vs.
Fernando Gott - Defendant in error

This Cause came on to be heard upon the assignment of errors in the plaintiffs petition filed in this Cause, — and after Argument by Counsel — and the Court being fully advised in the premises doth find that there is no error in the record and proceedings of the District Court of Clive County — and doth order and adjudge that the judgement of said District Court be, and the same is hereby affirmed in all things and that the defendant

Special Term Nov. 1861.

owed of the Plaintiffs in error his Costs taxed at
Cents and that he have execution therefor.

C. Coles plff. in error
vs
H. P. Bennett &
F. Pearman, assignees of
Hall & Baker

This Cause came on to be heard upon the petition in Error filed herein, and the record of the proceedings of the Court below — and the Cause being submitted to the Court by Counsel for the Plaintiff and Defendants and the Court being fully advised in the premises, doth hereby reverse the said judgment of the Court below, and the said Cause is hereby remanded to said Court for further proceedings.

And thereupon the Court adjourned until tomorrow Morning at 9 o'Clock.

Friday — November 22 — Court met pursuant to adjournment. Present the same Judges as on yesterday. After listening to Counsel all day Court adjourned until tomorrow morning at 9 o'clock.

Saturday November 23 — Court met pursuant to adjournment. Present same Judges as before. Most of the day being occupied by argument of Counsel. The Court then adjourned until Monday morning at 9 o'clock.

Monday — November 25 — Court met pursuant to adjournment. Present the same Judges as on Saturday. After listening to Counsel all day Court adjourned until Tuesday morning at 9 o'clock

Wednesday November 27 — Court met pursuant to adjournment. Present same Judges as on Monday.

Now comes James M. Woolworth Esquire and in open Court presents his resignation of the office of United States Commissioner, which is accepted.

And thereupon it is ordered by the Court that Daniel Gantt Esquire be & is hereby appointed United States Commissioner for the Territory of Nebraska.

1861
dnesday
ember 27
E. 100

Supreme Court N. T. Special Term

United States
vs. Indictment for disabling a limb
Thomas Goodrich intent to maim.
Plff. in Error

This Cause having at this term of Court come on to be heard upon the record, and after argument by Counsel and the Court being fully advised in the premises. It is thereupon ordered and adjudged by the Court that the judgment and sentence of the Court below be and the same is hereby reversed. and the defendant Thomas Goodrich ordered to be discharged from his confinement and go hence northout day. And the Marshal of the United States for the District of Nebraska is hereby charged with the duty of carrying this order into effect.

Wm F. Lockwood. Jus. Sup. Court.
J. E. Streeter Judge Supr. Ct.

E. 95

Charles Singley - Plff. in Error
vs.
Holley & Brown - Defts. in Error

This Cause came on to be heard on the arguments of Counsel, and the Court being fully advised in the premises do find that error has intervened in the Court below. It is therefore ordered and adjudged that the judgment of the Court below be and the same is hereby reversed. and that this Cause be remanded to the District Court of the Second Judicial District for further proceedings. And it is further ordered and adjudged that Charles Singley Plaintiff in error recover of Holly & Brown defendants in error his costs in this behalf expended to be taxed.

E. 84

W. H. H. Bennett alias Hiram P. Bennett
Wm Bennet alias William Bennet
Plffs. in error
vs.
Charles B. Fooks and Joseph Moffatt et al
Defts. in error

This Cause came on to be heard on the arguments of Counsel And the Court being fully advised in the premises. It is thereupon ordered and adjudged by the Court that the Petition in Error filed herein be dismissed and that Charles B. Fooks & Joseph Moffatt et al Defts in error recover of said Bennetts Plaintiffs in error their costs of suit in this behalf expended to be taxed.

Court No. 1 Special Term Nov. 1861

Territory of Nebraska
vs
Calvin Hawley

This Cause having been Called on for hearing it is ordered by the Court that the same be Continued until next Term.

E. 94

Simpson Hargus
Wm P Birchfield &
William E. Hill - Plaintiffs in error
vs.
John Irwin - Defendant in error

Supreme Court
Special Term
Nov 18th 1861

Be it remembered that at a Special Term of the Supreme Court of the Territory of Nebraska this Cause came on to be heard upon the errors assigned in the petition of the said plaintiffs and the same having been argued by Counsel for the plaintiffs in error and the Court having fully considered the same it is hereby adjudged by the Court that the errors in this Cause assigned are not well taken, and that the judgment of the Court below be and the same is by this Court affirmed.
And it is further ordered by the Court that the defendant in error John Irwin do recover of the plaintiffs in error Wm P. Birchfield & Wm E. Hill his Costs taxed dollars and Cents, And that he have execution therefor.

E. 98

Joseph P Clark, appellee
vs.
Frederick Hattendorf et al
appellants.

This Cause came on to be heard on the Motion of said Joseph P. Clark appellee to dismiss the appeal for the reason stated in the Motion and was argued by Counsel. On Consideration whereof it is ordered and adjudged by the Court that said appeal be and the same is hereby dismissed and that the said appellee recover of the said appellants his costs of suit in this behalf expended to be taxed at $ and that a mandate issue from this Court to the District Court of Otoe County to carry this judgment into execution and effect.

1861
Thursday
November 27

Supreme Court N. T. Special Term 1861

At a Special Term of the Supreme Ct. of the Territory of Nebraska holden at the City of Omaha on the 27th day of November A.D. 1861.

Present: the Honorable William F. Lockwood } Associate
" " Joseph E. Streeter } Justices
William D. Brown
appellant

vs.

Samuel R. Curtis
Henry Z. Curtis
Samuel S. Curtis &
The Council Bluffs and Nebraska Ferry Company
appellees

E. 97

This Cause having come on to be heard upon the Transcript filed therein, was argued by Counsel, & the Court being fully advised in the premises, it is ordered adjudged and decreed that the order of the District Court in Chancery dismissing the Bill of Complaint of the said appellant from which this appeal is taken be & is hereby reversed. And it is ordered adjudged and decreed that the said Company admit this Appellant to Membership in it as an owner of one Eighth of its property and interests, and that the said defendants Henry Z. and Samuel S. assign to the said Appellant these Evidences of Membership and Certificates or Stock held by them by virtue of the sale and transfer thereof to them by said defendant Samuel R. by such means as are by the bye Laws of said Company required in such cases, and that said Samuel R. make execute and deliver to the said Appellant a deed or deeds in due form of Law Conveying to him all lots of Land in the State of Iowa decided to him and now held by him by virtue of the Conditional sale made to him by said appellant set out in the pleadings in this Cause.

And it is further ordered adjudged and decreed that the said Samuel R. pay to said appellant the sum or sums of Money realized by him from the sale of lots in the City of Omaha which had been by said Company divided assigned and deeded by said Company to him said Samuel R. as a member thereof under and by virtue of the aforesaid Conditional sale after deducting from the sum or sums so by the said Samuel R. realized such sums as he has paid said Company on account of the said interests in said Company so by him obtained and held as aforesaid. And

Court that the said Samuel R. realized from the sum of five thousand dollars at or before the filing of the Bill of Complaint in this Cause to wit November 20th A.D. 1860 which principal sum and interest amount to four thousand five hundred dollars; and on the 12th day of January 1864 paid into said Company on account of said note the sum of two hundred Dollars, and on the 19th day of July 1854 the further sum of four hundred and fifty dollars and forty seven cents; and on the 3d day of February 1855 the further sum of one hundred eighty seven dollars and fifty cents. All of which sums with interest to the date of this decree amount to the sum of fourteen hundred and sixty five dollars and twenty five cents. This Court finds the sum due from the said Curtis to said Appellant to be four thousand thirty four dollars and seventy five cents.

And it is ordered that Execution in favor of the said appellant issue against the property of said Samuel R. for the said sum with accruing interest thereon, and that the said defendants pay the Costs of this suit to be taxed

And thereupon the said defendants excepted to the finding of the Court & gave notice of an appeal to the Supreme Court of the United States and prayed the allowance thereof by the Court which was granted.

V.

Abram Zollar
Appellant
vs.
Stevenson Cole & others
Appellees

Appeal

This day this Cause came on to be heard upon the Transcript of the records of the Court below and was argued by Counsel — On Consideration whereof and the Court being fully advised in the premises finds the decree of the Court below to be correct

It is therefore ordered adjudged and decreed that the said decree of the Court below be and the same is hereby affirmed with Costs to the Appellees and that the said Defendants have execution therefor

John Mc Alpine
Appellant
vs.
Augustus Kountze et al
Appellees

This Cause having come on to be heard, the said appellant applied to the Court for leave to dismiss

67

861
Wednesday
ember 27

said appeal, and it is ordered that the same be and is hereby dismissed with Costs against said appellant.

Jane A. North
Appellant
vs.
101 Wm.
William Wade
Appellee

John C. Kileman and John Kuich having attended this Court at its present session as Bailiffs It is ordered by the Court that the Marshal pay to each of them $26 for their attendance thirteen days.

This Cause having come on to be heard upon the Transcript filed therein, was argued by Counsel, and the Court being fully advised in the premises, it is ordered adjudged and decreed that the decree of the District Court from which this appeal is taken be and is hereby in all respects affirmed with Costs against said appellant.

General Continuance

It is ordered by the Court that all Causes pending in this Court and not otherwise disposed of, be continued to the next Term of this Court.

Thereupon Court adjourned Sine die

J. E. Steele
Associate Justice Supreme Court

M. F. Lockwood
Associate Sup. Court

Supreme Court of the Territory of Nebraska
Special Term August Seventeenth (17) A D 1863

Monday
17

Be it remembered that at a Special Term of the Supreme Court of the Territory of Nebraska, begun and holden at the Capitol in the City of Omaha in said Territory on the Seventeenth (17) day of August in the year of Our Lord one Thousand eight hundred and Sixty three:

Present The Honorable E. D. Dundy, Associate Justice of said Supreme Court Phineas W Hitchcock, U. S. Marshall, David L Collier Esq U.S. District Attorney by his Deputy John R Meredith and John H Kellom Clerk of said Court by his Deputy Clerk H. M. Dickinson, E P Brewster Crier and James Carrigan Bailiff,

The Court being open in due form of law and a quorum of Judges not being present, The same stands adjourned until to-morrow morning at 9. o'clock

Tuesday
Aug 18

9. o'clock A.M. Court met pursuant to adjournment. Present The Honorable E.D. Dundy Associate Justice of said Supreme Court, Phineas W Hitchcock U.S. Marshall and David L Collier U.S. District Attorney, by his Deputy John R Meredith, John H Kellom Clerk of said Court by H. M. Dickinson deputy clerk, E. P. Brewster Crier and James Carrigan Bailiffs, There being no quorum of Judges present the Court stands adjourned until to-morrow morning at 9. o'clock

Wednesday
August 19

9 o'clock A. M, Court met pursuant to adjournment

Present The Honorable William P Kellogg Chief Justice of the Supreme Court of the Territory of Nebraska, The Honorable E. D. Dundy Associate Justice of said Supreme Court. David L Collier U.S. District Attorney by John R Meredith his Deputy, P. W Hitchcock U.S. Marshall John H Kellogg Clerk of said Court by H. M Dickinson Deputy Clerk. E. P. Brewster Crier and James Carrigan bailiff

2d Court N. T. June Term 1862

Be it Remembered That at a regular Term of the same Court of the Territory of Nebraska begun & holden at the City of Omaha in said Territory, on the 10th day of June in the year of our Lord One Thousand Eight hundred and Sixty two

Present The Honorable Joseph E. Streeter associate Justice of said Supreme Court Phineas W. Kitchcock U. S. Marshal By his Deputy G. C. Monell and C. H. Kellom Clerk of said Court

The Court being opened in due form of law & a quorum of Judges not being present the same stands adjourned until tomorrow morning at 12 o' Clock

Wednesday June 11. Court met pursuant to adjournment Present The same officers of the Court as on yesterday. There being no quorum of Judges the Court stands adjourned until tomorrow Morning at 12 o' Clock.

Thursday June 12 Court met pursuant to adjournment Present the same officers as on yesterday. For want of a quorum of Judges the Court stands adjourned until tomorrow Morning at 12 o' Clock.

Friday June 13. Court met pursuant to adjournment Present the same officers as heretofore. There being no quorum of Judges the Court stands adjourned sine die.

Saturday

2d Court N. T. Special Term Nov. 1862

Be it remembered that at a Special Term of the Supreme Court of the Territory of Nebraska begun and holden at the City of Omaha in said Territory the 13th day of November in the year of our Lord One Thousand Eight hundred and Sixty two.

Present the Honorable William P. Kellogg Chief Justice of the Supreme Court of said Territory Hon Joseph E. Streeter associate Justice of said Supreme Court David L Collier Esq Attorney for the United States. Phineas W. Hitchcock Marshal of said Territory and John H. Kellom Clerk of said Court.

The Court was opened in due form of law and was adjourned until tomorrow morning at nine o' clock.

Friday November 14

Court met pursuant to adjournment. Present—Honorable Wm P. Kellogg Chief Justice, Honorable Joseph E. Streeter & Honorable Wm L. Lockwood Associate Justices of the Supreme Court David L. Collier U. S. Attorney. P. W. Hitchcock Marshal & J. H. Kellom Clerk of said Court.

102 Hezekiah B. Strong. Plff in Error
vs.
George Harmon for use of
Crain and Hill. Defts in Error

This Cause having been Called on for hearing, it is ordered by the Court that the same be continued until next Term.

104 John L. Cotterill. Appellee
vs.
Belinda Reed &
William E. Hewitt Appellants

This Cause being Called up for hearing, and the Attorneys for the Appellants stating to the Court that the same had been settled — It is therefore ordered and adjudged by the Court that the same be and is hereby dismissed at the costs of the Appellants to be taxed.

Friday November 14

Supreme Court N. T. Special Term Nov. 18.

Isaac Crooks. Wm Madorp
John Pflugshanpd &
William G. Goolsby. Plffs in Error
111 vs.
Richardson County. Defts in Error

And now come the parties by their Attorneys and consent that this Cause be continued It is therefore ordered and adjudged by the Court that said Cause be and the same is hereby continued to the next term of this Court.

Thereupon Court adjourned until tomorrow morning at ten o'clock.

Saturday November 15 Court met pursuant to adjournment. Present the same Judges as on yesterday. Several Causes were argued by Counsel. Court adjourned to meet on Monday morning at half past nine.

Monday November 17 Court met pursuant to adjournment. Present the same Judges as on Saturday.

On the Supreme Court in and for the Territory of Nebraska. Special Term November 1862

Stephen F. Nuckolls
Houston Nuckolls &
William B. Hail
Plaintiffs in error
103 Against
William Scott,
Defendant in error } This Cause came on to be heard on a transcript of the record from the Otoe County District Court in and for the 2nd Judicial District Nebraska Territory and was argued by Counsel — On Consideration whereof, it appearing to this Court that the Judgment of the said District is for a larger sum than that Claimed and Counted upon in the declaration in said Cause in said Court a remittetur in the following words to wit:

Supreme Court of the Territory of Nebraska Special Term held in November in the year of our Lord one thousand eight hundred & sixty two — Be it remembered that on the Trial of this

Ted
November 17

Supreme Court N. T. Special Term Nov. 1862

Cause before the Supreme Court of the Territory of Nebraska on a Petition in Error from the Otoe County District Court in and for the 2nd Judicial District Nebraska Territory on the 13th day of November in the year aforesaid it appeared that the judgment below in said District Court was for Eighteen dollars and forty cents too much or for Eighteen dollars and forty cents more than is claimed in Plaintiffs petition and the said sum rows in said Cause

And hereupon the said William Scott defendant in error by William H. Taylor his Attorney and Counsel in this Court freely here in Court remit to the said Stephen T. Nuckolls Houston Nuckolls and William B. Hail Plaintiffs in error as aforesaid in this Cause as well as all interest that may have accrued on the said excess the sum of Eighteen Dollars and forty cents from the 8th day of April A.D. 1862.

As witness my hand & seal this 14 day of November A.D. 1862.

William H. Taylor.
Attorney for Defendant
in Error.

Whereupon it is Considered, ordered & adjudged by this Court that the judgment of the said District Court in this Cause be and the same is hereby affirmed — deducting from said judgment of said District Court the said sum of $18 20/100 — And that each party pay one half the costs of this proceeding. & that said Cause be remanded for further proceedings —

A. A. Bradford &
S. T. Nuckolls
Plffs in error
vs.
George W. Johnston
Deft in error

This Cause came on to be heard upon the transcript and assignment of errors filed herein, and the arguments of Counsel having been heard, and the Court being fully advised in the premises, the Court do find that error has intervened in the Court below.

It is therefore ordered and adjudged that said judgment of the Court below be and the same is hereby reversed. And that said A. A. Bradford & S. T. Nuckolls Plaintiffs in error recover of said George W. Johnston Defendant in error the costs of suit-

Monday November 17

Supreme Court N.T. Special Term Nov. 1862

in this Court expended to be taxed — And that the Mandate heretofore issued from this Court be set aside, and that a new mandate be issued from this Court to the District Court of Otoe County remanding the Cause for further proceedings, and to Carry this said judgment into execution.

And thereupon Court adjourned until tomorrow morning at nine o'clock.

Tuesday November 18, Court met pursuant to adjournment. Present the Same Judges as on yesterday.

U.S. Commissioners — Supreme Court

And now comes David L. Collier U.S. District Attorney and moves the Court to appoint C. W. Ivoy George L. Miller, Benjamin L. Lushbaugh and E. H. Rogers United States Commissioners for this Territory; and thereupon the Court being Satisfied as to the Capacity integrity and loyalty of each of the said persons and that each of them is a citizen of this Territory qualified to hold and fill the said office does appoint C. W. Ivoy George L. Miller Benjamin L. Lushbaugh and E. H. Rogers to be United States Commissioners within and for the Territory of Nebraska, with all the powers conferred upon United States Commissioners by Laws of the United States, and orders that the Clerk of the Court give to each of said U. S. Commissioners upon his acceptance and filing in the Clerks office his oath or affirmation to faithfully fulfill the duties of the office of United States Commissioner, a certificate of appointment under seal of the Court

Thereupon Court adjourned to meet tomorrow morning at nine o'clock.

Wednesday November 19 Court met pursuant to adjournment. Present the same Judges as on yesterday. Adjourned until tomorrow morning nine o'clock.

Thursday November 20 Court met pursuant to adjournment. Present the same Judges as on yesterday. Adjourned to meet tomorrow morning at nine o'clock

Supreme Court Special Term Nov. 1862

day
vember 21 Court met pursuant to adjournment. Present the same judges as on yesterday. Several Causes were argued & submitted and thereupon Court adjourned to meet tomorrow at 3 o' clock P. M.

Saturday Court met pursuant to adjournment. Present the same Judges
November 22 as on yesterday.

John Hughes &
Eliza Hughes, Appellees

vs

A. R. Orchard &
Amanda Orchard Appellants

In the Supreme Court for
The Territory of Nebraska

At a Special Term of said Court
Commencing 13th day of Nov. 1862

This Cause having come on to be heard upon the motion of said John & Eliza Hughes Appellees to refer the execution of the decree in this Cause to Daniel Gantt as Special Master in Chancery, in the place of John C. Kileman, and the arguments of Counsel for the respective parties having been heard and the Court being advised in the premises, and it appearing to the Court that the said John C. Kileman to whom was referred as Special Master the execution of the decree in this Cause, and to make sale of the premises therein described, had long since removed from this Territory, and that by reason thereof, the said sale cannot be made by him. It is therefore ordered adjudged and decreed that Daniel Gantt as Special Master hereby appointed proceed to execute said decree and make sale of the premises ordered to be sold by said decree of this Court heretofore made, and in all respects do and perform the duties of Special Master enjoined in said decree; And it is further ordered adjudged and decreed the the acts and proceedings & sale so hereby ordered to be made by said Daniel Gantt Special Master be in all respects as good and valid in Law and equity as if said sale had been made by said John C. Kileman —

And it is further ordered and decreed that the motion filed by defendant to strike said petition of Complainants, asking that the said Gantt be made Special Master to sell said premises be and the same is hereby overruled.

W. P. Kellogg
Judge &c.

Saturday Nov. 22

Supreme Court Special Term November 1862

109

William L. Baugh et al Appellants
vs
Robert R. Woods Appellee

This cause having this day come on to be heard upon the motion of the appellants suggesting a diminution of the record and praying an Order upon the clerk of the court below to supply said omission and make a complete record and transcript of the said cause — and also upon the motion of said appellee to dismiss this cause — and the said appellants having asked in open court that the clerk of the court below be ordered to make a true and perfect ~~xxxxx~~ transcript of the records and files in said cause duly certified according to law.

It is thereupon ordered ~~xxxxxxxx~~ by the court that the clerk of the court below make and duly certify a complete and perfect transcript of said cause to this court within thirty days from the date hereof. And it is further ordered by the court that the said Motion of said Appellee to dismiss this cause be and the same is hereby overruled

Rule of Practice

The Supreme Court of the Territory of Nebraska in Session at the city of Omaha, the Seat of Government of said Territory, on this Twenty second day of November A.D. 1862, all the Judges of said Court being present, do institute and make the rule of practice following that is:

"On any cause in which the United States
" is a party every pleading subscribed by the attorney
" of the United States for the Territory of Nebraska in
" his official capacity, or by the duly appointed
" and qualified deputy of the said United States at-
" torney, in his official capacity, shall have the same
" force and effect as if such pleading was verified
" by the affidavit of the said United States Attorney

Ordered by the Court — That the Marshal pay Charles A. Keene Esqr Eighteen Dollars for his attendance nine days at this special term of Supreme Court. To Oscar F. Davis, Bailiff Four Dollars for his attendance two days at this

May 22.

Supreme Court Special Term Nov. 1862

Special term. & to Thomas Riley. Bailiff Four Dollars for his attendance two days at this Special term of Supreme Court.

N. P. Kellogg
Chief Justice.

Homestead Society
Plff. in error
vs.
Augustus Kountze &
William Ruth
Defts in error
} In Supreme Court Nebraska Territory.

106

This Cause having come on this day to be heard upon the motion of defendants in error to strike the bill of exceptions in this Cause from the file for the reason in said motion set forth, and the arguments of Counsel of the respective parties having been heard and the Court being advised in the premises. It is ordered & adjudged that the said motion be and the same is hereby overruled.

Homestead Society
Plff in error
vs.
Augustus Kountze &
William Ruth
Defts in error
} In Supreme Court Nebraska Territory.

106

This Cause came on to be heard upon the transcript and assignment of Errors filed therein and the rejoinder of defendants in error, and the argument of Counsel having been heard and the Court being fully advised in the premises the Court do find that error has intervened in the Court below.

It is therefore Considered ordered and adjudged that said judgment of the Court below be and the same is hereby reversed. And that the said Homestead Society Plaintiff in error recover of said Augustus Kountze & William Ruth defendants in error their Costs of suit at this Court expended to be taxed. And that a mandate issue from this Court to the District Court of Douglas County, remanding this Cause for further hearing and to carry this said judgment into execution.

And it is further ordered that the parties have Leave to Amend pleadings in this Cause

Saturday Nov. 22

Supreme Court Special Term Nov. 1862

105 Isaac A. Sacton
Plff. in error
vs.
Artemas Chapel. Deft in error
} In Supreme Court Nebraska Territory

This cause having come on this day to be heard upon the transcript and assignment of errors filed therein, and the arguments of Counsel of the respective parties having been heard, and the Court being advised in the premises, the Court do find that error has intervened in this Cause in the Court below;

It is therefore Considered ordered and adjudged that said judgment of the Court below be and the same is hereby reversed. — And that the said Isaac A. Sapton Plaintiff in error recover of the said Artemas Chapel defendant in error his costs of suit in this Court expended to be taxed; and that a mandate issue from this Court to the District Court of Douglas County remanding this Cause for further proceedings, and to carry this said judgment into execution.

108 M. Hellman & Co
Appellants
vs.
Charles Christopher & Jese B. Plummer
Appellees.
} In Supreme Court Nebraska Territory.

This Cause having come on to be heard this day upon the transcript of appeal & proceedings thereon, and the arguments of Counsel of the respective parties having been heard, and the Court being fully advised in the premises, the Court do find that there was no error in the decree of the Court below.

It is therefore ordered adjudged and decreed that the said decree in this Cause in the Court below be and the same is hereby affirmed. — And it is further ordered and adjudged that the said Jesse B. Plummer Appellee, in this Cause recover of the said M. Hellman & Co Appellants his costs of suit in this Court expended to be taxed; And that a mandate issue from this Court to the District Court of Douglas County Commanding the said District Court to carry this decree into execution.

117 Charles W. Greiner Appellees
vs.
William M. Jones Appellant
} Supreme Court Nov. Special Term 1862. Nov. 22 1862

The motion to supply papers

Friday
Dec. 22

Supreme Court Special Term Nov. 1862.

alleged to have been lost from the files of this Cause having come on to be heard, after hearing the Counsel for the respective parties it is ordered that said motion be sustained, and the proposed papers be filed by the Clerk as of the 10th day of June 1861.

To which order the Solicitor for the defendant Jones prays an appeal to the Supreme Court of the United States

John W. Brown Appellee
vs.
Roswell G. Pierce. Wm. S. S.
Morton et al Appellants

115

Supreme Court
Territory of Nebraska

This Cause having come on to be heard on the record and transcript brought up from the Court below, and was argued by Counsel. And the Court being fully advised in the premises — It is ordered adjudged & decreed by the Court that the decree of the Court below be & the same is hereby affirmed.

By the Court
Wm P. Kellogg
Chief Justice.

James Burley. Plff. in error
vs.
Moses F. Shinn .. Deft in error

107

In the Supreme Court of the
Territory of Nebraska.

This Cause came on for hearing upon the transcript filed in this Cause, the petition in error and the answer thereto, and was argued by Counsel and the Court being fully advised in the premises do find that error has intervened in the record of the proceedings of the District Court below:

It is thereupon ordered by the Court that the judgment in this Cause of the Court below be and the same is hereby reversed. And it is further ordered that this Cause be and is hereby remanded to the District Court below for further proceedings.

George M. Mills et al Plff. in error
vs.
Reuben Sheldon et als. Defts in error

114

In Supreme Court
Nebraska Territory.

This day this cause came on to be heard to the Court upon the assignment of errors by the said Plaintiffs and the joinder thereto by the said defendants. and the transcript of proceedings of this Cause

Saturday Nov. 22

Supreme Court Special Term Nov. 1862

in the Court below— And was argued by Counsel. and the Court being fully advised in the premises finds that there is error in the proceedings of the Court below, as assigned by the said Plaintiffs in error.

It is therefore Considered and adjudged by the Court that the judgment of the Court below be and the Same is hereby reversed and that the said Plaintiffs in error do recover of the said defendant John J. Redick their Costs expended in this Court to be taxed.

And this Cause is remanded to the District Court of Douglas County for further proceedings.

William Coleman plaintiff in Error
vs
6. 110 John E. Miller defendant in Error

The plaintiff in Error in this cause appears by his counsel J. M. Woolworth Esq and by leave of the court dismisses this suit, at the Costs of the plaintiff in Error

Order fixing the time for holding the U. S. Districts Courts

The Judges of the Supreme Court of the Territory of Nebraska, Assembled at the city of Omaha the Seat of government of the said Territory do hereby fix and appoint the several times and places of holding the several courts in our respective districts for hearing and determining causes in which the United States is a party as follows, to wit:

In the First Judicial District, at the city of Omaha in the county of Douglas on the Second Tuesday of June and on the third Tuesday of November, — in each year

In the Second Judicial district at Nebraska City in the county of Otoe on the Third Tuesday of May and on the Third Tuesday of October in each year.

In the Third Judicial District at Dakota City in the county of Dakota on the Second Wednesday of April, and the fourth Wednesday of September in each year.

The duration of each term of the aforesaid Several courts shall be limited to the period of four weeks. This order to take

Tuesday
Nov 22 1864

Supreme Court November Term 1862

effect from and after the first day of January A.D. 1863. Witness our hands this Twenty second day of November A.D 1862

N. P. Kellogg Chief Justice
Wm. F. Lockwood Associate Justice
J. E. Streeter Associate Justice

General Continuance

It is ordered by the court that all causes not otherwise disposed of be continued to the next term of this court

And thereupon the court adjourned sine die

N. P. Kellogg Ch. Justice
J. E. Streeter Asst. Jus.

1863 Supreme Court Nebraska Territory June Term.

Be it Remembered that at a regular Term of the Supreme Court of the Territory of Nebraska, begun & holden at the Court House in the City of Omaha in said Territory on the 9th day of June in the year of Our Lord One Thousand Eight Hundred and Sixty three Present the Honorable William P. Kellogg Chief Justice of said Court J. R. Meredith Esq. Deputy U.S. District Attorney, P. M. Hitchcock Esq. U.S. Marshall, & J. K. Kellom Clerk of said Court.

No quorum of Judges being present Court was adjourned until tomorrow morning at 9 o'clock.

Wednesday June 10 Court met pursuant to adjournment. Present the same officers as on yesterday. Adjourned until tomorrow morning at 9 o'clock.

Thursday June 11 Court met pursuant to adjournment. Present the same officers as before. There being no quorum on the bench, the Court adjourned sine die.

Supreme Court of the Territory of Nebraska
Special Term August Seventeenth (17) A.D. 1863

Monday August 17

Be it remembered that at a Special Term of the Supreme Court of the Territory of Nebraska begun and holden at the Capitol in the City of Omaha in said Territory on the Seventeenth day of August in the year of our Lord one thousand eight hundred and Sixty Three

Present: The Honorable E.E. Dundy Associate Justice of said Supreme Court, Phineas W Hitchcock, U.S. Marshall, David L' Collier U.S. District Attorney by John R Meredith his deputy John A Kellom clerk of said Court, by H.M. Dickinson deputy clerk, E P Brewster Crier and James Corrigan Bailiff

The Court being opened in due form of law and a quorum of Judges not being present the Same stands adjourned till to-morrow morning at 9 o'clock

Tuesday August 18

9 o'clock A.M. Court met pursuant to adjournment Present The Honorable E.E. Dundy Associate Justice of said Supreme Court, Phineas W Hitchcock U.S. Marshall, David L Collier U.S. District Attorney by his deputy John R Meredith John A Kellom Clerk of said Court by H M Dickinson Deputy Clerk, E P Brewster Crier and James Corrigan Bailiff. There being no quorum of Judges present the Court stands adjourned until to-morrow morning at 9 o'clock

Wednesday August 19

9 o'clock A.M. Court met pursuant to adjournment

Present: The Honorable William P Kellogg Chief Justice of the Supreme Court of the Territory of Nebraska, The Honorable E.E. Dundy Associate Justice of said Supreme Court, David L Collier U.S. District Attorney by John R Meredith his deputy, P.C. Hitchcock U.S. Marshall, John A Kellom clerk of said Court, by H.M. Dickinson Deputy clerk of said Court, E.P. Brewster Crier and James Corrigan Bailiff

Supreme Court, Special Term August 1865

Monday Aug 19 — At the Opening of Said Court Hon A.P. Mason of Otoe County on behalf of the Members of the Bar announced the death of Hon Joseph E Streeter late Associate Justice of this Court, after some appropriate and Eloquent remarks by Mr Mason: On Motion of A.H. Harding Esq a Committee of five Consisting of A.H. Harding, George B Lake, Augustus Thornhill A.P. Mason and James M. Woolworth were appointed by the Court to draft resolutions suitable to the occasion

" " Thereupon the Court adjourned until tomorrow Morning at 9 o'clock

Thursday August 20 — Court met pursuant to adjournment Present the same Officers as yesterday.

And now at this day, The Committee heretofore appointed to draft, Resolutions upon the death of Hon Joseph E Streeter, came into Court and Submitt the following Preamble and Resolutions as their report in said premises;

Whereas it has pleased an All Wise Father to remove from our midst by the hand of death The Hon. Joseph E Streeter late Associate Justice of the Supreme Court of The Territory of Nebraska; therefore in token of our high respect for the memory of the deceased and to express our heartfelt sense of bereavement, as the irreparable loss the Bench, the Bar and the Community at large have sustained by his death, be it;

Supreme Court Special Term August 1865.

Resolved:

That by the death of Judge Streeter the Bar has lost an able and learned brother, the Bench an honored and upright Judge, and the Territory an Esteemed and valued citizen

Resolved:

That we cordially unite in bearing testimony, That Judge Streeter was a most conscientious and estimable Judge and that he was possessed of more than ordinary qualifications administering justice fearlessly without undue denial or delay

Resolved

That we shall ever revere and cherish the Memory of Judge Streeter as one of the brightest examples of wisdom, learning and integrity, that has ever adorned a Seat upon the Bench of this Court, and we commend his example to all who may follow him to that high Station

(Signed) A. D. Harding Chm
Geo B. Lake
Aug Schoonbrick
A. P. Massie
James M. Woolworth
Committee

In the Matter of the Substitute }
United States District Attorney }

It appearing That Daniel S Collier Esq United States District Attorney for Nebraska is absent and cannot attend this Term of the Court and that he has appointed John C. Meredith his deputy and U.S. District Attorney; the Court do approve the said appointment and the said John C. Meredith having taken the oath of Office entered upon the discharge of his duties as substitute, United States District Attorney

Thursday August 20 } Thereupon the Court adjourned until to-morrow morning at 9 o'Clock

Supreme Court, Special Term August 1863

63

1 day past 21 } 9 o'clock AM Court met pursuant to adjournment: Present the same officers as on yesterday.

Thereupon The Court adjourned until to-mor-
" " row morning at 8 o'clock

Saturday August 22 Saturday August 22nd 1863
Court met pursuant to adjournment
Present the same Officers as on yesterday

Thereupon The Court adjourned until
" " Monday morning August 24th at 10 o'clock

Monday August 24 } 10 o'clock A.M. Court met pursuant to adjournment present The same Officers as on yesterday

E. 117 H. P. Downs and
C. A. Cowles
Plaintiffs in Error
vs
William L. Roberts
Defendant in Error

Now at this day This cause came on to be heard upon the errors assigned and after Argument of William A Sawyer and A. P. Mason, Attorneys for Plaintiffs in Error and defendant in Error and The Court being fully advised in the premises
It is ordered Considered and adjudged

Supreme Court Sheriff Term August 1863

Monday August 24

that the judgment of the District Court rendered herein affirming the judgment of the Justice of the Peace be and the same is hereby reversed at the cost of the defendant in Error

And it is further ordered that a mandate issue to the said District Court to carry into Effect this judgment of reversal

E 119

John B. Bennett and Elisha Bennett impleaded with Hiram P. Bennett
Plaintiffs in Error
vs
Andrew J Townsend
Defendant in Error

And now at this day this cause came on to be heard on the petition in Error filed herein and after argument of O. P. Mason Counsel for plaintiffs in Error and of H H Harding Counsel for defendant in Error and the Court being fully advised in the premises and having duly considered the same doth find that the various and several Errors assigned in said petition are not well taken and that the judgment rendered in the Court below to wit in the District Court of the Second Judicial District of Nebraska Territory in and for the County of Otoe was in all respects properly and lawfully rendered; It is therefore ordered and adjudged by the Court that the judgment of the Court below be and the same is hereby affirmed and approved and that the defendant in Error herein recover from the plaintiffs Their costs in this Court expended and that a special mandate issue to the Court below directing the same to award execution to the plaintiffs in the cause below against the defendants therein as provided by law for the amount due on said Judgment together with the costs of this Court taxed at — Dollars

Territory of Nebraska
ex rel
Eleazur Wakely Plff in Error
vs
William F Lockwood
Defdt in Error

This cause came on to be heard upon the petition in Error, the answer thereto and the Transcript of the record of the proceedings in the District Court J M Woolworth Esq appearing for the plaintiff in Error, no one appearing for the defendant in Error and the Court being fully advised in the premises do find no error in said record. Wherefore it is now here by this Court considered, ordered and adjudged that the judgment of the District Court set out in said transcript be and the same is in all respects affirmed at the costs of the said relator Eleazur Wakely; And it is further ordered that this cause be remanded to the said District Court to the end that this judgment may be carried into effect

Monday August 24

In the Supreme Court. Special Term. Of The Territory of Nebraska

On application to the Said Court for a writ of Error to the District Court, First Judicial District within and for the County of Douglas, and issuing Supersedeas by Said Court.

E. 126

The Territory of Nebraska
vs
Cyrus Sator
} Indictment for Murder

Be it remembered. That at a Special Term of the Supreme Court of the Territory of Nebraska Application was made to the Said Supreme Court for a writ of Error to the District Court First Judicial District within and for the County of Douglas Said Territory, and praying a Supersedeas may issue from Said Supreme Court, in Said Case, by the Said Cyrus Sator And the Said Application having come on to be heard at Said Special Term of Said Supreme Court upon The Several points assigned for Error in Said Application for Said writ of Error and Messrs, William A Little and Andrew J Poppleton Esqrs Counsel for Said Sator, having been heard in Support Thereof and Charles D Brown and

1863 Supreme Court Special Term August 1863

Monday Aug 24 George B Lake Esqrs having been heard Counsel on the said Supreme Court having duly considered the same and being fully advised in the premises It is ordered and adjudged by the said Supreme Court that the said application of the said Cyrus Tator for a writ of Error and Supersedeas in said Cause as aforesaid, be and the same is hereby disallowed

Dated Omaha Aug 24th 1863 Signed Wm P Kellogg Chief Justice
Elmer S Dundy Associate Justice

" " Thereupon the Court adjourned until to-morrow morning at 8 o'Clock

Tuesday Aug 25 ——Court met pursuant to adjournment Present Same officers as on Yesterday

E-112

Simpson Hargus and John Taaton — Plffs in Error
vs
John C Cumpbell Defdt in Error

This Cause Came on to be heard upon the record, and errors assigned herein and after argument by Counsel for plaintiffs in Error and defendant in Error, and the defendant in Error remitting Thirteen Dollars and forty cents on said Judgment; It is considered by the Court That the judgment of the Court below be in all things confirmed less the said Sum of Thirteen Dollars and forty cents and That a Special Mandate issue from This Court to Carry said judgment into effect less the said Sum of Thirteen Dollars and forty Cents without Costs in this Court.

Brome County Ct. J. August Special Term 1863

O H Cliffance
Plaintiff in Error
vs
J. F. C. Melick
Defendant in Error

This Cause came on to be heard upon the transcript and Errors assigned in the record and after argument by Counsel for the Plaintiff in Error and Counsel for defendant in Error and the Court being fully advised in the premises it is considered and adjudged that the judgment of the Court below be in all things confirmed and that the Costs of this proceeding be taxed against the plaintiff in Error and that a Special Mandate issue to the Court below to Carry this Judgment into Effect

" " Thereupon the Court adjourned till to-morrow morning at 8 o'clock

Wednesday Aug 26 Court Met Pursuant to adjournment. Present same officers as on yesterday

Wednesday Aug 26
E 121

John Hughes and
Eliza Hughes Appellees
vs
A. K. Orchard and
Amanda Orchard
Appellants

In the Supreme Court of the Territory of Nebraska

Ac Mettez & Reddick for Boggs Solicitors for Appellees This Cause came on to be heard upon the Motion of Sale made by Dennis Gantt a Special Master in pursuance and by virtue of a decretal order of this Court bearing date the 22nd day of June 1861 and on motion bearing date Novemter

Supreme Court N. T. August Special Term 1863

21st 11 1862 issued and of this Court and the Court having fully examined all the proceedings of Said Special Master and is appearing to the Satisfaction of the Court that the Said proceedings and Sale are in all respects according to law and the rules of this Court. It is hereby ordered adjudged and decreed by the Court that the Said proceedings and Sale be and the same are hereby ratified and confirmed and the Said Special Master is hereby ordered to make to the purchaser of the Said premises the further deed for the same And it is further ordered That Execution issue for the balance due the Said Allkellers against Said Archibald A. Orehard after deducting the proceeds of Said Sale to wit Further Sum of $579.25/100 with Interest from the 17th day of August A.D. 1863 and Thereupon Came the Said Appellants in to this Court and during the Session thereof by their Counsel and in open Court pray an Appeal from this Order to the Supreme Court of the United States which Appeal is hereby Allowed

Signed Wm P. Kellogg
Chief Justice
Elmer S Dundy
Judge &c

On Motion it is hereby ordered that Charles A. Brown Prosecuting Attorney of the County of Douglas Said Territory, be and he is hereby allowed the Sum of One Hundred Dollars for his attendance upon and Services rendered in Said Court for and on behalf of Said County and Territory as Prosecuting attorney aforesaid

Dated Omaha August 25 1863 Signed Wm P Kellogg
Chief Justice
Elmer S Dundy
Associate Justice

Supreme Court N.T August Session Term 1863

Friday
Aug 26

On Motion it is hereby ordered that George B Lake Esq Assistant Prosecuting Attorney for the Case of the Territory of Nebraska vs Cyrus Eaton be and he is hereby allowed the Sum of One Hundred Dollars for his attendance upon and Services rendered the Said Court, for and on behalf of Said Territory as Said Assistant Prosecuting Attorney in Said Case Dated Omaha Aug 26 AD 1863

Signed Wm P Kellogg
Chief Justice
Elmer S Dundy
Associate Justice

Wednesday
Aug 26

United States of America
The Territory of Nebraska } S.S.

Supreme Court of the Territory of Nebraska, August Special Term AD 1863, Sitting at the Capitol of Said Territory August 26th 1863

It is hereby ordered by Said Court that the Rules heretofore adopted by the Supreme Court of this Territory for the First, Second and Third Judicial Districts of Said Territory both on the Law and Chancery Side thereof be and the Same are hereby repealed

" " Thereupon the Court Adjourned until to-morrow Morning at 8 O'Clock

Supreme Court N.T. Special Term August 1863

Thursday Aug 27 Court met Pursuant to adjournment Present the same Officers as on yesterday

It is hereby ordered That the United States District Court for the First Judicial District of the Territory of Nebraska be held at the City of Omaha in said Territory on the Second Monday of November AD 1863

Thereupon the Court adjourned Sine die

Wm. D. R. Kellogg Chief Justice

Edmund S. Dundy Associate Justice

1863 Supreme Court Nebraska Territory Records

Tuesday Dec. 8th

Be it Remembered that at a regular Term of the Supreme Court of the Territory of Nebraska begun and holden at the Court House in the City of Omaha in said Territory on the 8th day of December in the year of our Lord One thousand eight hundred and sixty three - Present David P. Collier Esq. United States District Attorney. Phineas W. Kitchen Esq. U.S. Marshal & J. H. Kellom Clerk of said Court.
No quorum of Judges being present Court was adjourned until tomorrow morning at 9 o'clock

Wednesday Dec. 9th

Court met pursuant to adjournment. Present same officers as on yesterday. No quorum of Judges present. Court adjourned until tomorrow morning at 9 o'clock.

Thursday Dec. 10th

Court met pursuant to adjournment. Present same officers as on yesterday. No quorum of Judges being on the Bench Court adjourned sine die.

1864 June 14

Be it Remembered that the Regular Term of the Supreme Court of the Territory of Nebraska, Appointed to be held at the Court House in the City of Omaha on the 14th day of June A.D. 1864, is hereby adjourned until the 18th day of July next as per Order, which is in words & figures following to wit:

"United States of America }
Territory of Nebraska } ss.

It is Hereby Ordered that the Supreme Court of the Territory of Nebraska be adjourned from the 14th Day of June A.D. 1864, until the 18th day of July A.D. 1864 at 10 O' clock A.M.

As Witness Our Hands This 8th day of June A.D. 1864

Wm P. Kellogg
E. L. Dimmick
Wm F. Lockwood
Justices Supreme Court
Nebraska Ter.

Supreme Court Nebraska Territory June Term 1864

Court met pursuant to adjournment. Present Honorable William P. Kellogg Chief Justice. W. F. Lockwood & E. S. Dundy Associate Justices, Daniel Gantt Prosecuting Attorney, P. M. Kitchcock U.S. Marshal & J. H. Kellom, Clerk of the Supreme Court. Adjourned until tomorrow morning at 10. o'clock

Tuesday July 19 Court met pursuant to adjournment. Present same officers as on yesterday. Adjourned until tomorrow morning at 9. o'clock.

Wednesday July 20 Court met pursuant to adjournment. Present same officers as on yesterday. Adjourned until tomorrow morning at 9 o'clock

Thursday July 21 Court met pursuant to adjournment. Present same officers as on yesterday. Adjourned until tomorrow at 10. o'clock.

Friday July 22 Court met pursuant to adjournment. Present same officers as on yesterday.

Supreme Court
Territory of Nebraska

And now July 22 1864 on motion of Daniel Gantt United States Attorney for said Territory in open Court. It is ordered that Casper E. Yost of Omaha & Robert Furnas of the Omaha Indian Agency be and are hereby severally appointed United States Commissioners for said Territory of Nebraska, with the power to exercise all the functions and receive the emoluments pertaining to such office of United States Commissioner.

W. P. Kellogg
Wm. F. Lockwood

And thereupon Court adjourned until tomorrow morning at nine o'clock.

Saturday July 23. Court met pursuant to adjournment. Present same officers as on yesterday. Adjourned until Monday morning at nine o'clock.

Monday July 25 Court met pursuant to adjournment. Present same officers as on day of adjournment

1862 Supreme Court Nebraska Territory Journal Jes

Monday July 25 — On Supreme Court of the Territory of Nebraska. And Now July 25th 1864 It is ordered that the Fall Term of the United States District Court in and for the Third Judicial District of said Territory for the year 1864 be held Punca in Dixon County on the first Monday of September — And that the ensuing Spring Term of said District Court be held at Nebraska in the County of Burt on the first Monday of April 1865. — And it is further ordered that the next Spring Term of the United States District Court in and for the Second Judicial District of said Territory be held at Falls City in the County of Richardson on the second Thursday next succeeding the fourth Monday of April A.D. 1865. and that the Fall Term of said Court for 1864 be held at Nebraska City Otoe County on the third Tuesday of October 1864.

Wm F. Lockwood
W. P. Kellogg.

Appointment of Commissioners

It is hereby ordered that Charles G. Dorsey of the County of Nemaha and H. O'Hanna of the County of Richardson and Territory of Nebraska be and are hereby appointed United States Commissioners in and for the said Counties.
25th July 1864.

W. P. Kellogg
E. S. Dundy Associate Justices

129

Thomas Heady et al. Plffs in error
vs.
The Territory of Nebraska, Defft in error

This cause came on for hearing upon the transcript and petition in error and the Court being fully advised in the premises do find that error has intervened in the record of the proceedings of the District Court below — It is thereupon ordered by the Court that the judgment in this cause of the Court below be and the same is hereby reversed — And that the plaintiff in error recover of the defendant in error his costs in this Court Expended: — And it is further ordered that this cause be and is hereby remanded to the District Court below for further proceedings

Above Court- Nebraska Territory June Term

Joseph Moffitt Plaintiff in error
vs.
John F. Grinnold Defendant in error

This Cause Came on for hearing upon the transcript filed in this Cause and the petition in error and the Court being fully advised in the premises do find that error has intervened in the record of the proceedings of the District Court below — It is thereupon ordered by the Court that the judgment in this Cause of the Court below be and is hereby reversed as to Joseph Moffitt and that said Joseph Moffitt plaintiff in error recover of John F. Grinnold defendant in error his costs in this Court expended — And it is further ordered that this Cause be and is hereby remanded to the District Court below for further proceedings.

120 John Wolf et al Appellants
vs.
John Argabright et al, Appellees

This Cause Came on to be heard upon the transcript filed therein and was argued by Counsel And the Court being fully advised in the premises it is ordered adjudged and decreed that the decree of the District Court be and the same is in all respects affirmed with costs to the appellees

125 Thomas Mungpltff in error
vs.
George M. Mills

This Cause Came on to be heard upon the petition in error filed therein & was argued by Counsel and the Court being fully advised in the premises it is ordered Considered and adjudged that the judgment of the District Court be & the same is hereby affirmed with costs to the defendant in error.

In the Supreme Court of the Territory of Neb.

124 William M. Jones Appellant
vs.
Charles W. Green et al Appellees

This Cause Came on to be heard

1864 Supreme Court Nebraska Territory June Ter.

upon motion to dismiss the appeal, and the Court after hearing the respective Counsel for the parties & being fully advised in the premises it is hereby ordered and adjudged and decreed by the Court that the motion be and the same is hereby overruled.

N. P. Kellogg
Chief Justice
E. L. Dundy
Associate Justice

Richard Wiggin &
John A. Horbach
Appellants
vs.
James Brown
Appellee

132

In the Supreme court of the Territory of Nebraska
In Chancery.

This Cause having come on to be heard upon the appeal from the District Court of Douglas County, and the Court having heard the arguments of the respective counsel of the parties, complainant & defendants, and being fully satisfied in the premises do affirm the decree of the Court below made in this Cause (Judge Dundy dissenting) And thereupon it is now here ordered adjudged & decreed by this Court that the decree of the District Court be and the same is hereby affirmed and that the appellee recover against the appellants the costs of this suit to be taxed.

And thereupon then and there the said defendants prayed an appeal to the Supreme Court of the United States which appeal is hereby allowed, the said defendants having first made due proof by competent witnesses that the value of the property in Controversy exceeded one thousand dollars; and the Court do further order that bond for costs be required in the sum of three hundred dollars.

By the Court
N. P. Kellogg
Chief Justice
E. L. Dundy
Associate Justice.

Richard Wiggin &
John A Horbach
Appellants
vs.
John R. Porter &
Jane M. his wife

133

In the Supreme Court of the Territory of Nebraska
In Chancery.

This Cause having come on to be heard upon the appeal from the District Court of Douglas County, and the Court having

and the arguments of the respective Counsel of the parties Complainants & defendants, and being fully advised in the premises Do affirm the decree of the Court below made in this Cause, And thereupon It is now here ordered adjudged and decreed by this Court that the said decree of the District Court be and the same is hereby affirmed and that the appellees recover against the said appellants the costs of this suit to be taxed. (Judge Dundy dissenting) And thereupon then & there the said defendants prayed an appeal to the Supreme Court of the United States, which appeal is hereby allowed, the said defendants having first made due proof by Competent witnesses that the value of the property in controversy exceeded one thousand dollars, and the Court do further order that Bond for costs be required in the sum of three hundred dollars.

By the Court,
W. P. Kellogg
Chief Justice
E. D. Dundy
Associate Justice.

97

William Brown Appt. } Supreme Court
v. } June Term 1864.
Samuel R. Curtis et al }

The Court having carefully examined the proceedings of the Sheriff upon the Execution issued in this Cause & the sale of real estate therein & being satisfied that the same is in all respects in conformity with Law it is ordered that the said sale was made in conformity with Law and this Court were satisfied thereof, and said sale is accordingly confirmed, and that the Sheriff of Douglas County make to Erastus B. Chandler the purchaser a deed in due form of law of the premises sold on said Execution.

W. P. Kellogg
Chief Justice S.C.

Wm P. Kellogg
Chief Justice.

131

Samuel N. Pannalee } In Supreme Court of the
vs. } Territory of Nebraska
James G. Megeath et al } In Chancery.

And now this 25th day of July 1864

This cause having come on to be heard upon an appeal from the District Court of Douglas County said Territory, and the Court having heard the arguments of the respective Counsel of the parties Complainant and defendants and being fully advised in the premises, It is now here ordered adjudged and decreed by this Court that the decree of the said District Court in this cause as against Appellant Andrew J. Simpson be and the same is hereby reversed and the bill of Complaint dismissed with Costs, and that said Appellant Andrew J. Simpson recover against said Samuel A. Parmalee his Costs herein expended taxed at- $ and that he have execution therefor. And it is further ordered adjudged and decreed that all proceedings had in said District Court be and the same are hereby set-aside and held for nought so far as the same affects the said A. J. Simpson. And thereupon the said Appellee Samuel A. Parmalee prayed an appeal from this decree to the Supreme Court of the United States.

By the Court.
Wm. P. Kellogg Ch. J.
E. S. Dundy Associate Justice.

90

William M. Jones Appellant
vs
Charles W. Green et al Appellees
} In Supreme Court Nebraska.

This Cause having come on to be heard on the Mandate of the Supreme Court of the United States now on file in this Cause directing the Court to enter a decree for said Appellant herein and to dismiss Appellees bill at their costs. Now therefore on motion of Redick & Briggs Counsel for said Appellant It is ordered and decreed in obedience to the direction of said Mandate that the decree heretofore entered in this Cause in this Court be and the same is hereby reversed and that said Bill be and the same is hereby dismissed at the costs of said Appellees to be taxed, and that said Appellant have execution therefor. And it is further ordered that the District Court for Douglas County in which this Cause was originally Commenced enter an order reversing its former decree in this case & dismissing said bill at the costs of said Appellees. By the Court.

W. P. Kellogg Ch. J.
E. S. Dundy. Associate Justice

Tuesday Court met pursuant to adjournment- Present same Officers as on Yesterday.
Jan'y 26 Adjourned 'Sine die'.

Wm. P. Kellogg. Ch. Justice.
E. S. Dundy
Associate Justice

864

Supreme Court Nebraska Territory &c.

Tuesday Dec 13. Be it Remembered that at a regular Term of the Supreme Court of the Territory of Nebraska begun and holden at the Court-House in the city of Omaha in said Territory on the 13th day of December in the year of our Lord one thousand eight hundred and sixty four. Present—Daniel Gantt Esq. United States District Attorney Phineas W. Hitchcock Esq. United States Marshall and John F. Kellom Clerk of said Court. No Judges being present the Court was adjourned until tomorrow morning at nine o'clock.

Wednesday Dec. 14 Court met pursuant to adjournment. And no quorum of Judges being present the same was adjourned until tomorrow morning at nine o'clock.

Thursday Dec 15 Court met pursuant to adjournment. And for want of a quorum of Judges was adjourned Sine die.

Order fixing time of Spring & Fall Term of U.S. District Court in Third Judicial Dist.

We, the undersigned, Elmer S. Dundy and William F. Lockwood Justices of the Supreme Court of the United States in and for the Territory of Nebraska being assembled at Omaha, the seat of Government of said Territory, By virtue of the authority vested in us by law, do hereby fix and appoint the Spring Term of the United States District Court within and for the Third Judicial District of said Territory to be held at Nebama in Burt County, Commencing on Thursday the first day of June A. D. 1865 at ten o'clock A. M. of said day, and we do hereby that said term of Court be and is hereby limited to twenty five days exclusive of Sundays. And further By virtue of the same authority we do hereby fix and appoint the fall term of the United States District Court within and for said Third Judicial District to be held at DeSoto in the County of Washington commencing on the first Monday of November A. D. 1865 at ten o'clock A. M. of said day, and we do hereby limit said fall term of said Court to twenty five days exclusive of Sundays. And we do hereby direct and authorise the Clerk of the Supreme Court of said Territory of Nebraska to make the proper entry of this order on the Journals of said Supreme Court

Done at Omaha N. T. } 3
April 17th A. D. 1865 } 3

E. S. Dundy
Wm F. Lockwood

1865

Supreme Court Nebraska Territory June 1865

Tuesday June 13

Be it Remembered that at a regular term of the Supreme Court of the Territory of Nebraska begun and holden at the Court House in the City of Omaha in said Territory on the 13th day of June in the year of our Lord one thousand Eight hundred and Sixty five — Present Hon. William Kellogg Chief Justice and Judge of the First Judicial District, Hon. William F. Lockwood Judge of the Third Judicial District, Daniel Gantt Esq. U.S. District Attorney Casper Yost Esquire U.S. Marshall and John H. Kellom Clerk of said Court. The Court being opened in due form of law the following proceedings were had.

144

William Ellinger, Appellant
vs
William J. Baugh et al appellees

This day came the said appellant by his Counsel and on leave of the Court dismiss the appeal heretofore taken in said Cause to this Court at the costs of the appellant.

Thereupon Court adjourned until tomorrow morning at nine o Clock.

Wednesday June 14th

Court met pursuant to adjournment Present same officers as on yesterday.

122

John M. Seymour
vs
A. Sterling Morton

In the Supreme Court of the Territory of Nebraska.

This Cause came on to be heard and it appearing to the Court that the above Cause was settled by the parties as per stipulation of parties bearing date June 5th 1865 on file in this Court. It is therefore Considered by the Court that the writ of error herein be dismissed at the costs of the plaintiff in error and that the judgment of the Court below stand affirmed and that the defendant in error recover from the plaintiff in error the costs in this Court taxed at dollars cents and that a mandate issue to the Court below to Carry this judgment into effect.

And thereupon Court adjourned until tomorrow morning at nine o'clock.

Thursday Court met pursuant to adjournment Present same officers as on yesterday.

Supreme Court Nebraska Territory June Term

Lay 15 — Cass County Appellant
vs
46 — William Garrison Appellee
} Supreme Court of Nebraska
June Term 1865

This Cause came on to be heard on the motion filed herein on the part of said appellee to have the prayer for an appeal to the Supreme Court of the United States entered in this Cause nunc pro tunc, and said appellant not appearing and the Court being advised in the premises, it is ordered and decreed by the Court that the said appeal prayed for in this Cause by said appellee to said Supreme Court of the United States be and the same is hereby allowed and entered nunc pro tunc and as of the 12th day of June 1861 the time when the decree was entered, and it is further ordered that said appellee give bond in the sum of Two Hundred & fifty dollars with good and sufficient securities to said appellant conditioned to pay him all costs which may be adjudged against said appellee on said appeal

By the Court.

Thereupon Court adjourned until tomorrow morning at nine O. clock

Friday June 16 — Court met pursuant to adjournment. Present same officers as on yesterday.

Allen Root Plaintiff in error
137 vs
John H. Green Defendant in error
} This Cause came on to be heard upon the transcript filed therein and was argued by Counsel and the Court being fully advised in the premises, it is ordered considered and adjudged that the predgment of the District Court below be and the same is hereby affirmed with Costs against the Plaintiff in error.

Thereupon Court adjourned until tomorrow at two o. clock P. M.

Saturday June 17 — Court met pursuant to adjournment. Present same officers as on yesterday

1865 Supreme Court Nebraska Territory June Term

Saturday June 17 140

George W. Homan et al Appellants
vs
William D. Brown

In the Supreme Court
June Term 1865
Saturday June 16 1865
decree

This Cause came on to be heard upon the transcript of the proceedings in the district Court and was argued by Mr Lake on behalf of the appellant & by Mr Woolworth on behalf of the appellee and the Court being fully advised in the premises finds that the said appellants ought to convey to the appellee the premises in question in this cause upon being reimbursed one half of the cost of the Blacksmith Shop in the agreement between said appellee & said James B. Allen mentioned which the Court finds to be $475. Now therefore it is hereby ordered adjudged and decreed by this Court that upon the payment by the said William D. Brown to the said appellant of the sum of $475. that the said appellants make execute & deliver to the said Brown a good and sufficient deed duly executed and acknowledged so as to entitle the same to be recorded in the office of the register of deeds for Douglas County conveying to him the said Brown the undivided one half of lot number five in Block number one hundred & thirty seven (137) in the City of Omaha, therein and thereby covenanting and agreeing to and with the said Brown his heirs and assigns against all acts by them the said appellants done suffered or committed charging incumbering or in any wise affecting the title to the said undivided half of said premises And it is further ordered adjudged & decreed that upon the payment of said sum the said appellants & the said Brown into possession of the said undivided half of said premises, And it is further ordered that if the said appellants fail neglect or refuse to make said deed for the period of ten days after payment or tender of payment to them or either of them of the said sum of money that Daniel Gantt one of the Masters in Chancery for Douglas County make execute and deliver to said Brown the deed hereinbefore provided for. And it is further ordered & decreed that the said appellants pay the costs of this suit to be taxed and that execution issue therefor.

And thereupon came into Court the said Counsel for the said Homan & Homan & gave notice that they appealed to the Supreme Court of the United States from this decree and prayed that the same might be duly entered which is done

And thereupon Court adjourned until Monday morning at Eight o'clock

Supreme Court Nebraska Territory

Tuesday Dec 19 Court met pursuant to adjournment. Present same officers as on day of adjournment

Supreme Court of the Territory of Nebraska June Term 1865

To the undersigned Chief Justice and Associate Justices of the Supreme Court of said Territory assembled at Omaha the seat of government of said Territory and now June 1865 holding a regular term of said Supreme Court do hereby fix & appoint the Fall Term of the District Court of the United States in and for the Second Judicial District to be held at Falls City in the County of Richardson on the Thursday the 14th day of September 1865 and we hereby limit said term of Court to twenty five days; and further we do hereby fix and appoint the next Spring term of the U.S. District Court for said Second Judicial District to be held at said Falls City commencing on the second Thursday next after the fourth Monday of April 1866 at 10 o'clock A.M. and we hereby limit said Spring term of Court to twenty five days.

And further we do hereby fix and appoint the next Fall Term of the said District Court of the U.S. in & for the First Judicial District of said Territory to be held at the City of Omaha in the County of Douglas commencing on Tuesday the 10th day of October 1865 and we hereby limit said Fall Term of said Court to twenty five days; and further we do hereby fix and appoint the next Spring term of the U.S. District Court for said First Judicial District to be held in Omaha in Douglas County, commencing on the second Tuesday of April 1866 and we hereby limit said Spring term of said Court to twenty five days.

And further we do hereby fix and appoint the Fall Term of said U.S. District Court for the Third Judicial District to be held at De Soto in Washington County commencing on Monday the 6th day of November 1865 at ten o'clock A.M. and we hereby limit said term of said Court to twenty five days; and further we do hereby fix and appoint the next Spring term of said U.S. District of said Second Judicial District of said Territory to be held at the City of Dakota in the County of Dakota commencing on the First Monday of June 1866, and we hereby limit said term of said Court to twenty five days.

And it is hereby ordered that the Clerk of this Supreme Court make the proper record entry of the above general order.

F. Kellogg
Chief Justice

1865

Supreme Court Nebraska Territory

Monday June 19

138 Joseph Clark & Bros. Appellants vs Moses Hotaling appellee } In the Supreme Court of Nebraska Territory In Chancery

And now this Cause having Come on to be heard in said Supreme Court upon an appeal from the District Court of Douglas County made on the 28th day of March 1864 and upon the pleadings filed in this Cause; and having been argued by Counsel of the respective parties, and the Court being fully advised in the premises, It is ordered adjudged and decreed by this Court that the said decree so rendered in said District Court of Douglas County on the 28th day of March 1864 be and the same is hereby reversed, and that the petition of said Appellee Moses Hotaling filed in said District Court be and the same is hereby dismissed at Costs of Appellee.

W. Kellogg
Chief Justice

143 William D. Brown Appellant vs Julius L. Curtis, appellee } In Chancery Appeal

At this term Came the Appellant by James M. Woolworth Esqr his Solicitor and the said appellee by George B Lake Esqr his Solicitor. And thereupon this Cause came on to be heard upon the Motion of the Appellee to dismiss the appeal taken herein, and was argued by Counsel. And the Court being fully advised in the premises find that said motion is well taken.

It is therefore ordered adjudged and decreed that the appeal herein taken from the decree of said District Court be and the same is hereby dismissed at the Costs of the said Appellant William D. Brown to be taxed and that Execution issue from this Court to collect the same as upon judgments at Law.

128 Daniel Franklin et all Plffs in error vs Thomas P. Kennard defendant in error } Law

This Cause came on to be heard to the Court upon the transcript of the proceedings of the Court below, and the errors complained of, and was argued by William A. Little Esqr for the Plaintiff in error and by Messrs Lake & Brown for the said defendant in error. And the Court being fully advised in the premises find that there is no

error in the proceedings and judgment of the Court below.

It is therefore Considered and Adjudged by the Court that the judgment of the said District Court for Washington County in this Case heretofore rendered be and the same is hereby affirmed. And it is further ordered and adjudged that the said Plaintiff in error pay the costs herein expended to be taxed, and that a special mandate issue from this Court to said District Court directing said District Court to proceed to enforce its said judgment by the issuance of the proper execution upon the application of the said defendant in error.

Issued 9

As a Hunt. George Armstrong & others
Appellants
vs
142 Ephraim H. Bender Appellee } Appeal

At this term came the said appellants by their Solicitors Messrs Redick & Briggs and the said appellee by George B. Lake his Solicitor

And thereupon this Cause came on to be heard upon the transcript of the proceedings had in the Court below and the written arguments of the respective Solicitors, And the Court being fully advised in the premises find the equities of the Case with the said Ephraim H Bender,

It is therefore ordered adjudged and decreed by the Court that the said decree of the Court below be and the same is hereby affirmed. And the said Complainants said Bill be and the same is dismissed at the costs of the said Appellants and that execution issue from this Court to collect the same

Thereupon the said Complainants prayed an appeal to the Supreme Court of the United States which is allowed upon executing a bond according to law in the sum of Two Hundred & fifty dollars

In the Supreme Court of the Territory of Nebraska.

George M. Mills.
Plaintiff in error
127 vs
Augustus Macon. Defendant in error } Error

Be it remembered that at the June Term of said Court A. D. 1862 the said parties appeared by their attorneys and thereupon this action came on to be heard upon the pleadings of the said parties and was argued

1865

Monday June 19

Supreme Court Nebraska Territory

by Counsel and the same was thereupon taken under advisement by said Court. And be it remembered that afterwards to wit on the 19th day of June A.D. 1865 of the June Term of said Court for the year 1865 the said Court being fully advised in the premises on consideration whereof it is ordered and adjudged by this Court that the judgment of the District Court for Douglas County wherein this Cause was tried. Be and the same is hereby reversed with costs and that the said plaintiff in error be restored to all things which he has lost by reason of the said judgment And it is further ordered that the said District Court do proceed without delay to a trial de novo and final judgment between the said parties according to law; and it is further ordered that a special Mandate be sent to said District Court to carry this judgment into Execution.

In Supreme Court of the Territory of Nebraska

And now June 15th 1865. On motion, It is ordered that John H. Saler of Omaha in Douglas County said Territory be and is hereby appointed United States Commissioner for the Territory of Nebraska, and that he have full authority to perform all the legal duties and receive all the emoluments pertaining to said office of United States Commissioner for the Territory of Nebraska

N. Kellogg
Wm F. Sherwood
E. L. Hundley

The Columbus Company
Appellant

v.

The Elk Horn & Loupe Fork Bridge & Ferry Company, O. Perry Hurford Thomas J. Hurford & Noble R. Hays.

This Cause came on to be heard upon the Transcript of the record of the proceedings in & before the District Court & was argued by Mr Woolworth for the appellant, by Mr. Redick & Mr Lake for the appellees and the Court being fully advised in the premises it is now here ordered adjudged and decreed that the order & decree of the said District Court appealed from in this Cause be and the same is hereby reversed set-aside & altogether held for naught. And it is further ordered adjudged and decreed that this Cause be and the same is hereby remanded to the District Court

Supreme Court Nebraska Territory.

Dec 19

for further proceedings with leave to the said appellant to amend his Bill of Complaint in such manner & with leave to both parties take such further proofs as they may be advised. And it is further ordered adjudged & decreed that the said appellant recover against the said appellees the costs of this appeal by it expended to be taxed. And it is further ordered that the appeal prayed for herein be allowed on filing bond in sum of $5000 Said bond to operate as a supersedeas

W. Kellogg
Chf Justice

In the Supreme Court of } June Term A. D. 1865
The Territory of Nebraska }

Charles T. Jameson
Plaintiff in error

vs

The United States
Defendant in error

Indictment for taking a letter from the Post office and for Stealing money from a letter &c

On this 19th day of June A. D. 1865 this Cause came on to be heard in this Court upon the record and Errors assigned and the said Cause having been argued by N. A. Little for the Plaintiff in error and Daniel Gantt District Attorney for the United States defendant in error. And the said Court being fully advised in the premises and having duly considered the errors assigned in said Record do find that there is manifest error in said record in matters of law in the instructions given by the Court below to the jury. It is therefore considered and adjudged by the Court that the said Sentence and judgement of the Court below be and the same is hereby reversed and altogether held for naught and the said Cause remanded to the District Court for a new trial. And it is hereby further ordered and adjudged by the Court that the United States Marshal for the Territory of Nebraska forthwith take into his custody & possession the body of said Charles T. Jameson now in Confinement in the House of Correction in Detroit in the State of Michigan and forthwith retain said Charles T. Jameson to the Territory of Nebraska for trial and hold & keep said Charles T. Jameson in Custody until he shall give bail in the sum of four thousand Dollars or be otherwise discharged by the Court. And a duly certified Copy of this order under the seal of the Court shall be sufficient authority to said Marshal to take & hold said Charles T Jameson in accordance with the provisions hereof.

And thereupon Court adjourned sine die

W. Kellogg
Chf Justice

1865- Supreme Court Nebraska Territory [redacted]

Be it remembered that at a Regular term of the Supreme Court of the Territory of Nebraska begun and holden at the Court House in the City of Omaha in said Territory on the 12th day of December A.D. 1865 Present Honorable William Kellogg Chief Justice of the Supreme Court of said Territory. Honorable Wm Pitt Lowrey Associate Justice of said Supreme Court Daniel Gantt Esqr Attorney for the United States. Thomas E. Sutton Deputy Marshal of said Territory and William Kellogg Clerk of said Court

Court being opened in due form according to law the following proceedings were had.

Hezekiah B Strong } Plff in Error.
vs.
George Harrison } Deft in Error.

This cause came on to be heard and on motion it is ordered that the same be continued to the next term of this Court.

Ebenezer Cook et al. Appellees
vs
John M Kuhn — Appellant

And now comes the said Appellant by his Attorney, and on his motion it is ordered that this cause be continued to the next term of this court.

F. H & C. Tenney. Plff in Error
vs
George Herrman Deft in Error.

And now on motion of the Attorney for said Plaintiffs in Error it is ordered that this cause be continued to the next term of this court.

Supreme Court Nebraska. October Term.

Uriah L Smith. Plff in Error
vs
The Territory of Nebraska. Deft in Error } It is ordered that this cause be continued to the next term of this Court.

William M Jones. Appellant
vs
Charles H Green et al. appellees. } Supreme Court. Territory of Nebraska. — Appeal from decree confirming sale.

This cause came on to be heard on the motion filed by Appellants, suggesting a diminution of the record, and asking for an amended record showing the final decree of the Court below, on which said sale was had; and also asking that of the return of John L Hilsman Sheriff, who made the sale, be also added to the record, and the said motion was argued by Counsel. Whereupon the Court being advised in the premises. It is ordered that the Clerk of the Court below amend said record by adding a copy of said final decree and the return of said Sheriff. And further it appearing by a showing of said Clerk, that said return is not in his office and that the same is lost it is therefore further ordered, that the Counsel for Appellants supply a copy (substantially) of said lost return, verified by affidavit, and that said copy form a part of the record in this cause.

By the Court.

M Kellogg
Chief Justice.

And thereupon Court adjourned till to-morrow morning at 10 o'clock.

Wednesday
Dec 13th Court met pursuant to adjournment, present the same officers as on yesterday.

1865. Supreme Court Nebraska, December Term.

Wednesday dec 13th

William J Baugh and Louisa his wife — Appellants.
vs.
Robert K Woods — Appellee

And now come the said parties by their Attorneys, and in open Court it is agreed by the parties that the appeal herein be dismissed at the cost of the appellants — Whereupon it is considered by the Court that the said appellee have and recover of and from the said Appellant his costs herein expended by reason of said appeal.

In the Supreme Court of the Territory of Nebraska.

William Jamison Administrator of the Estate of Edwin A Jamison Deceased. et al — Appellants
vs
Alice J Aumock et al — Appellees

This day this cause coming on to be heard and called for hearing, Whereupon the Solicitor for the appellees suggests the diminution of the record, and it appearing that a portion of the record in the Court below has not been embodied in the transcript filed in this Court, and it appearing that a portion of such record in the Court below has been lost, thereupon the said parties by their Solicitors file a stipulation as to the facts contained in and shown by the lost record, as a part of the record in this Court. And the same is accordingly filed as a portion of such record by agreement of parties. And thereupon the said cause is continued by consent until the next Regular term of this Court.

And thereupon Court adjourned till tomorrow morning at 10 o'clock.

Thursday dec 14. Court met pursuant to adjournment. Present the same officers as on yesterday.

Supreme Court Petroleum December Term

J F Johnson & Co et al
vs
Augt F Graeter & Co et al

And now come the parties by their Solicitors, and in open Court it is agreed that the appeal herein be and the same is hereby dismissed at cost of the Appellants,

John L Redick et al Plffs in Error
vs
George M & Anna Mills Defts in Error

And now comes the said Plaintiffs in Error by their Solicitor and on his motion it is ordered that this cause be continued to the next term of this Court.

And thereupon Court adjourned till tomorrow morning at 10. o'clock,

Friday Dec 15th 11

Court met pursuant to adjournment present, the same officers as on yesterday. —

John Thorne
vs
United States of America
Defts in Error

Plff in Error.

This cause came on to be heard on motion of Plff in Error for writ of supersedeas and the Court having heard the argument of Counsel and being fully advised in the premises it is ordered that Writ of Supersedeas issue herein, on Plaintiffs in Error filing bond with two or more securities to be approved by one of the justices of this Court in the sum of $200. And that this cause be continued to the next term of this Court.

Alexander H Baker — Appellant
vs
Wm J Morton et al — Appellees

This cause came on to be heard on the motion of the Appellee for the clerk of the Court below to amend the record in this cause as stated in said motion, and the Court having heard the argument of Counsel it is ordered that the clerk of the Court

1875
Friday
Dec 15.

Supreme Court Nebraska, December Term.

below, certify up to this court the disired Amendment, and on showing of the said clerk that the deposition of W S Proctor, is lost and cannot be found, by agreement of parties and consent of Court, a copy of the same is filed and made part of the record herein.

And the cause being called for hearing and the Court having heard the argument of Counsel for the parties herein, the cause is retained for further consideration. —

And thereupon Court adjourned till tomorrow morning at 10 o'clock.

Saturday
Dec. 16th "

Court met pursuant to adjournment, present the same Officers as on yesterday.

William M Jones Appellant
vs
Charles A Greenstal. Appellee

In Supreme Court Nebraska Territory

This cause came on to be heard on the amended transcript in this cause and was argued by counsel for the respective parties and the Court being advised in the premises, and finding that no error has occurred in the record, it is ordered adjudged and decreed by the Court, that the decree of the Court below, confirming the sale of the real estate, described in said transcript be and the same is hereby affirmed, And the said Appellant having prayed an appeal from this decree to the Supreme Court of the United States. It is ordered that said appeal be and the same is hereby allowed, And it is further ordered, on application of said Appellant, for a Supersedeas to stay proceedings pending said appeal, on this decree, that such Supersedeas be and the same is hereby allowed, on the Appellant giving an undertaking in the sum of One thousand Dollars to pay all costs and damages which the Appellees may sustain, and duly prosecutes said appeal to effect, with good and sufficient sureties to be approved by one of the Justices of the Supreme Court And on giving such undertaking all proceedings under this decree shall be stayed, during the pendency of said appeal.

By the Court.

M Maxwell Chief Justice

Supreme Court Nebraska. December Term

1879

And thereupon it is ordered that this Court adjourn till the next term of this Court in Course—

W^m Kelley
Chief Justice

Tuesday June 12th

Supreme Court Nebraska Territory June Term

Be it remembered that at a regular term of the Supreme Court of the Territory of Nebraska begun and holden at the Court House in the City of Omaha in said Territory on the 12th day of June AD 1866, Present Honorable William Kellogg Chief Justice of the Supreme Court of said Territory Daniel Gantt Attorney for United States, Casper E Yost U. S marshal of said Territory and William Kellogg Jr. Clerk of said Court.

No Quorum of the justices being present Court adjourned till tomorrow morning at 10. o'clock.

Wednesday June 13th

Court met pursuant to adjournment. Present Hon. William Kellogg Chief Justice, Hon. E. L. Dundy Associate Justice, Daniel Gantt, U. S. Attorney, Casper E Yost U. S. Marshal and W. Kellogg Jr Clerk of said Court.

Court being opened in due form of law the following proceedings were had to wit:

Ordered that no papers ore files of this Court be taken from the Clerks Office or Court Room.

A. B. Strong Plff in Error

vs

George Harrison Deftn Error

This cause coming on to be heard it is on motion ordered that this cause be continued to the next term of this Court.

And thereupon Court adjourned till tomorrow morning at 9 o'clock

Thursday June 14th

Court met pursuant to adjournment. Present the same Officers as on yesterday and Hon Wm F Lockwood Associate justice of the Territory.

Supreme Court. Nebraska Territory June Term

At a Term of the Supreme Court of the Territory of Nebraska held at Omaha on the 14th day of June A.D. 1858

Present: The Honorable William Kellogg Chief Justice
Honorable E.D. Brady and
Honorable William A. Cockrell Associate Justices

In the matter of the application
of
J. C. Ambrose
To be admitted to practice as an
Attorney and Counsellor at Law
and Solicitor in Chancery

On Motion of John D. Redick Esqr.
It is ordered that J. C. Ambrose be admitted to practice in the Courts of this Territory as an Attorney and Counsellor at Law and Solicitor in Chancery.

Hiram Francis Frazier
vs
The Territory of Nebraska
In Error

On Motion of the Court by Geo. H. Downs Attorney for the defendant in Error. It is ordered that a certiorari issued to the District Court of the third Judicial District within & for the County of Washington for a true transcript of the record and proceedings in this cause in the said District Court within and for said County of Washington, returnable forthwith —

F. H. & C. Timme
vs
George Newman
Pltff in Error
Deft in Error

And now on motion it is ordered that this cause be continued to the next term of this Court.

John B Barbware Appellant
vs
John B Bennett Appellee

And now the parties come into court and by agreement of said parties it is ordered that this cause be dismissed. Each party paying his own costs.

Supreme Court Nebraska Territory June

delay
Patrick 4th

At a term of the Supreme Court of the Territory
Nebraska held at Omaha on the 14th day of
Present: Honorable William Kellogg Chief Justice
Honorable William Pacheco and
Honorable E. P. Dundy Associate Justices

In the matter of the application of
Millett Pottenger
to be admitted to practice as an
Attorney in the Supreme Court of
Nebraska Territory

On motion of John F. Redick Esqr. It
is ordered that Millett Pottenger be admitted to practice as
an Attorney in the Supreme Court of Nebraska Territory.

William Jamison Administrator
vs
Alice J. Adcock and Charles M.
Adcock husband & wife
Appellant
appeals

This cause came on to be heard
on the Transcript filed herein and was argued by
Counsel for the respective parties and the Court
being advised in the premises. It is ordered adjudged
and decreed by the Court that the Decree rendered
in this cause in the Court below be and the same
is hereby reversed, the Bill dismissed and the injunc-
tion dissolved and that the defendant pay the
181 Costs in this Court and in the Court below.

Wm Kellogg Chief Justice
E P Dundy

John F. Redick et al
vs
George W. Mills & Anna
Mills
Plaintiffs in Error
Defendants in Error

This cause came on to be
heard on the transcript filed herein and was argued
by Counsel for the respective parties and the Court
being advised in the premises do find that Error
has intervened in the Record. It is considered and
adjudged by the Court that the judgement of the Court
below be and the same is hereby ~~reversed~~ reversed and said
cause remanded to the Court below for further proceed-
ings and that a new trial be awarded

Supreme Court June Term

And thereupon Court adjourned till tomorrow morning at ten o'clock.

" 15th Court met pursuant to adjournment present the same officers as on yesterday.

John Thomas Plff in Error
vs
U.S. of America Deft in Error

This day came the said Plaintiff in Error by his attorney Geo. A Dorsey and the said defendant in Error by the District Attorney for the United States Daniel Gantt Esqr. And thereupon this cause came on to be heard upon the transcript of the Record brought here by writ of Error from the Court of the District Court of the third Judicial District of said Territory and well and duly considered of by the said John Thomas herein assigned for Error and the same being seen and by the Court here now fully understood and mature deliberation being thereupon had. It appears to the Court here that in the Record and proceedings aforesaid there is sufficient error in this writ that the said District Court overruled the motion made by the said John Thomas in arrest of judgement herein for the first cause assigned in said motion to wit that the said first count of said indictment under which said John Thomas was found Guilty did not allege that the offence with which the said John Thomas was therein charged was done "Knowingly and wilfully" Therefore it is considered that the judgement aforesaid for the Error aforesaid be Reversed annulled and altogether held for nothing. And that the said judgement & for the cause aforesaid arrested and that the said John Thomas be restored to all things which he has lost by occasion of the said judgement. It is further ordered that the bonds heretofore given by the said John Thomas in this cause and the sureties thereon be forever discharged

1844
Friday
June 15th

Supreme Court June Term

And thereupon Court adjourned till to-morrow morning at 10 o'clock

Saturday
June 16th

Court met pursuant to adjournment Present the same Officers as on yesterday

John Mattis
vs
Wm G Robinson et al

And now on motion it is ordered that this cause be continued to the next term of this Court

M M Hackway et al
vs
John L A Smith

And now on motion it is ordered that this cause be continued to the next term of this Court

John C Rakes et al
vs
Asa Davis

This cause came on to be heard on the Transcript filed herein and was argued by Counsel for the respective parties and the Court being advised in the premises. It is considered and adjudged by the Court that the judgement of the Court below be and the same is hereby reversed and this cause remanded to the Court below for further proceedings and that a new writ be awarded

And thereupon Court adjourned till ~~Tuesday~~ Monday morning at 10 o'clock

Monday
June 18th

Court met pursuant to adjournment present the same Officers as on Saturday.

Supreme Court June Term ——

And thereupon Court adjourned till Friday morning the 6th day of July AD1866 at 10 o'clock A M of said day ——

Friday July 6th Court met pursuant to adjournment Present the same Officers as on Monday June 18th 66 —

And thereupon Court adjourned till tomorrow morning at 10 o'clock

Saturday July 7th Court met pursuant to adjournment Present the same Officers as on yesterday —

And thereupon Court adjourned till Monday morning at 10 o'clock

Monday July 9th Court met pursuant to adjournment Present the same Officers as on yesterday —

And thereupon Court adjourned till tomorrow morning at 10 o'clock

Tuesday July 10th Court met pursuant to adjournment present the same Officers as on yesterday —

At a Supreme Court held for the Territory of Nebraska at the Capitol in the City of Omaha
On the 10th day of July AD1866 —
Present The Hon. William Kellogg Chief Justice
" " William F Lockwood Associate "
" " Elmer S Dundy " "

John M Kuhns impleaded with the Florence Land Company
vs. Appellant
Ebenezer Cook et al

This cause came on to be heard upon the Transcript of the Record of the proceedings of the District Court for Douglas County and after hearing Reply Reddick & Briggs for Counsel for the Appellant and Jon Woolworth for Counsel for the Appellees — and the Court being fully advised in the premises. It is now ordered

1866
Tuesday
July 10th

Supreme Court June Term

adjudged and decreed that the decree of the District Court appealed from be and the same is hereby in all respects affirmed and it is further ordered adjudged and decreed that the said appellees have and recover from the said appellants John M Thurston Costs in this Court the said John Marshall claimed an appeals to the Supreme Court of the United States & prayed that the same might be allowed which is accordingly done—

By the Court

M^r Kellogg
Chief Justice

We the undersigned Chief Justice and Associate Justices of the Supreme Court of the Territory of Nebraska being assembled at Omaha City the seat of Government of said Territory do hereby affix and appoint the Fall terms of the District Court of the United States in and for the First Judicial District of said Territory to be held at the City of Omaha in the County of Douglas on the 16th day of October AD 1866 and limit the same to twenty five days and we do fix and appoint the next Spring terms of said Court of said First District to be held at the City of Omaha aforesaid on the first Tuesday of April AD 1867 and limit the same to twenty five days.

And further we do hereby fix and appoint the Fall terms of the District Court of the United States in and for the Second Judicial District of said Territory to be held at Falls City in the County of Richardson on the thirteenth day of September AD 1866 and limit the same to twenty five days and we do fix and appoint the next Spring Term of said Court for said Second Judicial District to be held at Falls City County last aforesaid on the second Thursday after the fourth Monday of April AD 1867 and limit the same to twenty five days. And it is ordered that the Clerk of the Supreme Court of this Territory make the proper record entry upon the journal of said Court of this General order

Done at Omaha N T
the 10th day of July AD 1866

M^r Kellogg
M^r Lockwood
E D Dundy

Court June Term

Undersigned Chief Justice and Associate Justices of the Supreme Court of the Territory of Nebraska at Omaha the Seat of Government of said Territory do hereby fix and appoint the Fall Term of the District Court of the United States in and for the Third Judicial District to be held at Lebanon in the County of Burt on the twentieth day of August A.D. 1866 and which said Term of Court to continue for twenty five days.

And it is hereby ordered that the Clerk of the Supreme Court make the proper record entry on the journal of the Court of this order.

Omaha July 18th 1866

Elmer S. Dundy Judge
Wm. F. Lockwood Judge
Wm. Kellogg Judge

Uriah L. Smith Plff in Error
vs
Territory of Nebraska Deft in Error

And now this cause came on to be heard upon the transcript of the record of the Court below and the Court having heard the arguments of Counsel of the respective parties. It is considered and adjudged that the judgement of the Court below be and the same is hereby in all respects affirmed and that this cause be remanded to the Court below to carry sentence into Execution.

And thereupon Court adjourned till tomorrow at 10 o'clock A. M.

Wednesday

July 19th Court met pursuant to adjournment. Present the same Officers as on the 7 last day

And thereupon it is ordered that this Court adjourn till the next Term of this Court in course

Wm Kellogg Judge

Supreme Court of the

Be it remembered that at a regular Term of the Supreme Court of the State of Nebraska, begun and held at the Court House in the city of Omaha, in said State, on the 12th day of June, in the year of our Lord one thousand eight hundred and sixty seven - present Honorable George B. Lake and L. Crounse, Associate Justices.

The Court being opened in due form of Law, the following proceedings were had:

In the matter }
of }
the appointment of Clerk }

By virtue of the authority in us vested as Associate Justices of the Supreme Court of the State of Nebraska, while sitting as such Court, we do hereby appoint George Armstrong, of the County of Douglas, to the office of Clerk of said Court, to whose acts as such Clerk full credit shall be given. This appointment to become effective upon said Armstrong giving the bond and taking the oath required by the statute in such case made and provided.

L Crounse } Associate Justices
Geo. B. Lake } Supreme Court

June 11th, 1867.

And thereupon the Court adjourned until to-morrow morning at 10 o'clock.

Wednesday June 12th

Court met pursuant to adjournment. Present the same Justices as on yesterday.

And thereupon Court adjourned until to-morrow morning at 10 o'clock.

Thursday June 13th

Court met pursuant to adjournment. Present the same Justices as on yesterday.

And thereupon the Court adjourned until Saturday morning next at 10 o'clock.

1867.
Saturday
June 15th

State of Nebraska, June Term. 1867

Court met pursuant to adjournment. Present the Hon. J. as on Thursday last.

In the matter of the application
of
Certain Attorneys for admission
as Attorneys in this Court

On application and by order of the Court the following persons were duly sworn and admitted to practice as Attorneys and Counsellors at Law and Solicitors in Chancery in this Court, on their taking and subscribing the oath prescribed by the laws of the United States, viz: H. G. Worthington, James N. Savage, John M. Sahler, John P. Bartlett

And thereupon the Court adjourned until Monday Morning at 10 o'clock.

Oath of Office required in the Admission of Attorneys by Act of Congress, passed Jan. 24, 1865.

I do solemnly swear that I have never voluntarily born arms against the United States, since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended Government, authority, power, or constitution within the United States inimical thereto. And I do further swear, that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

James N. Savage
J. P. Bartlett
H. G. Worthington.

Sworn to and subscribed before me this 17th day of June 1867.

Monday
June 17th

Court met pursuant to adjournment. Present the same Justices as on Saturday last.

The Court adjourned until Monday morning July 29th 1867 at 10 O'clock A.M.

Geo. B. Lake
Clerk

Assistant Justices of the Supreme Court